

Representative Hall, Atlanta, Georgia

Wednesday, March 4, 2015

Twenty-Sixth Legislative Day

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

E Abrams	Coomer	Hamilton	Meadows	Sims
Alexander	Cooper	Harbin	Mitchell	Smith, E
Allison	Corbett	Harden	Morris	Smith, L
Atwood	E Dawkins-Haigler	Harrell	Nimmer	Smith, M
Ballinger	Deffenbaugh	Hatchett	Nix	Smith, R
Barr	Dempsey	Hawkins	Oliver	Smyre
Battles	Dickerson	E Henson	O'Neal	Spencer
E Beasley-Teague	Dickey	Hightower	E Pak	Stephens, M
Bell	Dickson	Hitchens	Parrish	Stephens, R
Belton	Dollar	Holcomb	Parsons	Stovall
Bennett	Douglas	Holmes	Peake	Stover
E Bentley	Drenner	Houston	Petrea	Strickland
Benton	Dudgeon	Howard	Pezold	Tanner
Beskin	Dukes	Hugley	Powell, A	Tarvin
Beverly	Dunahoo	Jackson	Powell, J	Taylor, D
Broadrick	Duncan	Jasperse	Prince	Taylor, T
Brockway	Ealum	Jones, J	E Pruett	Teasley
Brooks	Efstration	Jones, J.B.	Quick	Thomas, A.M.
Bruce	Ehrhart	Jones, L	Raffensperger	Thomas, E
Bryant	England	Jones, S	Rakestraw	Trammell
Buckner	Epps	Kaiser	Ramsey	Turner
Burns	E Evans	Kelley	Randall	Waites
Caldwell, J	Fleming	E Kendrick	Reeves	Watson
Caldwell, M	Floyd	Kidd	Rhodes	Welch
Cantrell	Fludd	Knight	Rice	Weldon
Carson	Frazier	LaRiccia	Roberts	Werkheiser
Carter	Frye	Lumsden	Rogers, C	E Wilkerson
E Casas	Gardner	E Mabra	Rogers, T	Wilkinson
Chandler	Gasaway	E Marin	Rutledge	Willard
Cheokas	Geisinger	Martin	Rynders	Williams, C
Clark, D	Glanton	Maxwell	Scott	Williams, E
Clark, H	Golick	Mayo	Setzler	Williamson
Clark, V	Gordon	E McCall	Sharper	Yates
Coleman	Gravley	McClain	Shaw	Ralston, Speaker
Cooke	Greene			

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 92nd, Jacobs of the 80th, Jordan of the 77th, Kirby of the 114th, Mosby of the 83rd, and Stephenson of the 90th.

They wished to be recorded as present.

Prayer was offered by Minister Marcus Jackson, St. James Christian Fellowship, Inc., Lithonia, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolution of the House were introduced, read the first time and referred to the Committees:

HB 530. By Representative Williamson of the 115th:

A BILL to be entitled an Act to amend Chapter 1 of Title 7 of the O.C.G.A., relating to financial institutions, so as to provide for definitions; to provide for the establishment of first-time homebuyer savings accounts; to provide for restrictions of use and requirements for maintaining such accounts; to authorize the charging of service fees for such accounts; to provide for penalties for providing false information; to provide for rule-making authority; to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income for Georgia income

tax purposes, so as to provide for income tax exemptions; to provide for penalties for unauthorized withdrawals; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 531. By Representatives Mabra of the 63rd, Fleming of the 121st, Willard of the 51st, Strickland of the 111th, Reeves of the 34th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to personal jurisdiction over nonresidents, so as to change provisions relating to the grounds for exercising personal jurisdiction over nonresidents; to change provisions relating to effect of appearance; to change provisions relating to venue; to amend Code Sections 19-13-2 and 34-1-7 of the Official Code of Georgia Annotated, relating to jurisdiction of superior court and application for temporary restraining order and injunction, respectively, so as to correct cross-references; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 532. By Representatives Reeves of the 34th, Carson of the 46th, Cooper of the 43rd, Wilkerson of the 38th, Parsons of the 44th and others:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in Cobb County and each municipality therein, approved March 20, 1985 (Ga. L. 1985, p. 4009), as amended, so as to add a certain provision relating to the powers of such districts; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 533. By Representative Greene of the 151st:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Randolph County, approved February 13, 1935 (Ga. L. 1935, p. 778), as amended, particularly by an Act approved April 9, 1999 (Ga. L. 1999, p. 3630), so as to change the compensation of the chairperson and other members of the board; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- HB 534. By Representatives Chandler of the 105th, Caldwell of the 131st, Golick of the 40th, Efstration of the 104th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 16-6-22 of the Official Code of Georgia Annotated, relating to incest, so as to change provisions relating to the relationships between relatives which constitute incest; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- HB 535. By Representatives Harrell of the 106th, Powell of the 32nd, Kaiser of the 59th, Frye of the 118th, Peake of the 141st and others:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide that governing authorities of counties and municipalities in which the sale of alcoholic beverages for consumption on the premises is lawful may authorize sales of such alcoholic beverages during a certain time on Sundays; to change the time on Sunday during which farm wineries may sell certain wine for consumption on the premises; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

- HB 536. By Representatives Nimmer of the 178th, Harbin of the 122nd, Dickson of the 6th and Hamilton of the 24th:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to hearings and appeals relative to workers' compensation, so as to change certain provisions relating to filing of claims with the State Board of Workers' Compensation and dismissal of stale claims; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industry and Labor.

- HB 537. By Representatives Rogers of the 29th, Hawkins of the 27th, Cooper of the 43rd and Hatchett of the 150th:

A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to provide for a single administrator for dental services for Medicaid recipients and PeachCare for Kids participants; to require the

Department of Community Health to competitively bid out and contract with such single administrator; to provide for requirements for the single administrator; to provide for applicability; to provide for an amendment to the state plan if necessary; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 542. By Representatives Wilkerson of the 38th, Mosby of the 83rd, Bentley of the 139th and Bryant of the 162nd:

A BILL to be entitled an Act to amend Article 11 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the higher education savings plan, so as to provide for matching of contributions by the state for certain low-income contributors; to provide for purposes; to provide for authority of the board; to provide for operation of the program, terms, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HB 543. By Representatives Clark of the 147th, Gravley of the 67th, Tarvin of the 2nd, Clark of the 98th, Caldwell of the 20th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 12, Title 16, Title 27, and Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding parks, historic areas, memorials, and recreation, crimes and offenses, game and fish, and parking for persons with disabilities, respectively, so as to change provisions relating to the weapons carry license and the carrying of weapons; to provide for the carrying of weapons by certain persons and in certain places without a licensing requirement; to provide for definitions; to render it a voluntary and administrative action for certain persons to seek issuance of a weapons carry license for the lawful carrying of a weapon; to provide for a short title; to provide for findings; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 544. By Representatives Clark of the 147th, Setzler of the 35th, Gravley of the 67th, Turner of the 21st, Cantrell of the 22nd and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to allow for weapons carry license holders to carry in or on real property or buildings owned by or leased to institutions of postsecondary education; to revise definitions; to clarify the rights of private institutions of postsecondary education to exclude or eject a person from its property who is in possession of a weapon or long gun; to provide a short title; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 545. By Representative Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act entitled "An Act to incorporate the town of Sumner," approved August 9, 1883 (Ga. L. 1882-83, p. 291), as amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4331), so as to provide for four-year terms for the mayor and councilmembers; to provide for serving officers; to provide for elections; to provide for the filling of vacancies; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 546. By Representative Jones of the 167th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create a board of elections and registration for McIntosh County," approved May 4, 2006 (Ga. L. 2006, p. 4171), so as to provide that the board shall consist of five members; to provide for appointment; to provide for terms; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 547. By Representatives Fleming of the 121st, Powell of the 171st and Willard of the 51st:

A BILL to be entitled an Act to amend Chapter 3 of Title 53 of the Official Code of Georgia Annotated, relating to year's support, so as to change provisions relating to taxes and tax liens; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 548. By Representative Carson of the 46th:

A BILL to be entitled an Act to amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to provide for an alternative homestead option sales and use tax; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HR 547. By Representative Jones of the 167th:

A RESOLUTION recognizing United States military veterans and dedicating a highway in their honor; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the rules were suspended in order that the following Bills and Resolution of the House could be introduced, read the first time and referred to the Committees:

HB 551. By Representative Brockway of the 102nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salary deductions applicable to public officers and employees, so as to authorize local political subdivisions to provide for voluntary contributions by employees through payroll deductions to certain not for profit organizations; to provide for a definition; to authorize voluntary deductions from wages or salaries of employees of the State of Georgia and local units of administration for purchases of consumer offerings through an employee purchase program facilitated by and through the Department of Administrative Services; to change a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 552. By Representatives Williamson of the 115th, Shaw of the 176th, Smith of the 134th, Efstration of the 104th and Golick of the 40th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for changes to the captive insurance company provisions; to add certain definitions; to change

prerequisites to transacting insurance; to amend provisions relating to directors; to revise the required amounts of capital or surplus for each captive insurance company; to provide for application of certain provisions to the examination of a captive insurance company and add confidentiality of certain information and documents provided to the Commissioner; to change the taxation requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HR 548. By Representative Kirby of the 114th:

A RESOLUTION honoring the life of Ethan Rutledge and dedicating an intersection in his memory; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolution of the House and Senate were read the second time:

HB 514	HB 516
HB 517	HB 518
HB 521	HB 522
HB 523	HB 524
HB 525	HB 526
HB 527	HB 528
HB 529	HB 538
HB 539	HB 540
HB 541	HR 528
SB 101	SB 108
SB 125	

Representative England of the 116th District, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Appropriations has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 279 Do Pass, by Substitute

Respectfully submitted,
/s/ England of the 116th
Chairman

Representative Stephens of the 164th District, Chairman of the Committee on Economic Development and Tourism, submitted the following report:

Mr. Speaker:

Your Committee on Economic Development and Tourism has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 510 Do Pass

Respectfully submitted,
/s/ Stephens of the 164th
Chairman

Representative Powell of the 32nd District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 93	Do Pass, by Substitute	HB 123	Do Pass, by Substitute
HB 278	Do Pass, by Substitute	HB 455	Do Pass, by Substitute
HB 492	Do Pass, by Substitute	HB 494	Do Pass, by Substitute

Respectfully submitted,
/s/ Powell of the 32nd
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
WEDNESDAY, MARCH 4, 2015

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 26th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

- HB 412 Workers' compensation; change certain provisions
(Substitute)(I&L-Hamilton-24th)
- HR 395 Joint Georgia-Alabama Study Committee; create (IntC-Greene-151st)

Modified Structured Rule

- HB 348 Labor; create State Workforce Development Board; provisions (I&L-Dickey-140th)

Structured Rule

- HB 275 Income tax; claimant agency; revise definition (W&M-Strickland-111th)
- HB 276 Alcoholic beverages; modernize certain terms; provisions
(Substitute)(RegI-Harrell-106th)
- HB 312 Tobacco products; manufacturers and importers; remove certain bonding requirements (W&M-Tankersley-160th)
- HB 339 Income tax credit; film, video or digital production; extend
(Substitute)(W&M-Burns-159th)

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

- SB 85. By Senators Beach of the 21st, Ginn of the 47th, Gooch of the 51st, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development authorities, so as to revise the definition of project as applicable to said chapter; to modify the tax exemption of development authorities; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 89. By Senators Albers of the 56th, Beach of the 21st, Hufstetler of the 52nd, Black of the 8th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to textbooks for elementary and secondary education, so as to require instructional materials and content to be in digital or electronic format after a certain date; to require local boards of education to provide wireless electronic devices for students to access instructional materials and content; to revise provisions for purposes of conformity; to provide for a short title; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

- SB 104. By Senators Dugan of the 30th, Miller of the 49th, Kennedy of the 18th and Jackson of the 24th:

A BILL to be entitled an Act to amend Code Section 50-17-50 of the Official Code of Georgia Annotated, relating to the State Depository Board, so as to delete references to building and loan associations; to modify the board

composition to reflect current practice; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 405. By Senator Dugan of the 30th:

A RESOLUTION recognizing Lisa McDonald as 2015 Charter School Leader of the Year; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 307. By Representative Jackson of the 128th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the City of Sandersville, approved March 28, 1990 (Ga. L. 1990, p. 4823), as amended, particularly by an Act approved April 29, 2014 (Ga. L. 2014, p. 4290), so as to change the provisions regarding election of members of the city council; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 388. By Representative Harden of the 148th:

A BILL to be entitled an Act to provide that the judge of the Probate Court of Wilcox County shall also serve as the chief magistrate of the Magistrate Court of Wilcox County on or after June 1, 2015, or upon vacancy of the office of chief magistrate; to provide for the compensation of such judge for service as chief magistrate; to provide for the continuation in office and expiration of term of the current chief magistrate; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 403. By Representative Jackson of the 128th:

A BILL to be entitled an Act to create a board of elections and registration for Washington County and to provide for its powers and duties; to define certain terms; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 404. By Representative Jackson of the 128th:

A BILL to be entitled an Act to abolish the office of county treasurer of Glascock County; to repeal an Act entitled "An Act to fix the salary of the treasurer of Glascock County," approved August 4, 1917 (Ga. L. 1917, p. 363); to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 413. By Representatives Turner of the 21st, Caldwell of the 20th, Cantrell of the 22nd, Carson of the 46th and Ballinger of the 23rd:

A BILL to be entitled an Act to amend an Act creating the office of commissioner of Cherokee County, approved August 9, 1915 (Ga. L. 1915, p. 177), as amended, particularly by an Act approved March 30, 1989 (Ga. L. 1989, p. 4295), so as to provide that candidates for the board of commissioners shall have resided within the respective district from which they seek election for a period of at least 12 months immediately preceding their election; to provide for related matters; to provide contingent effective dates; to repeal conflicting laws; and for other purposes.

HB 425. By Representative Cheokas of the 138th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Americus, approved April 13, 1992 (Ga. L. 1992, p. 5985), as amended, so as to provide for a city manager; to provide for appointment, qualifications, terms, removal, and vacancies; to provide for duties, powers, and responsibilities; to provide for appointment of a city clerk and finance director; to provide for related matters; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 431. By Representatives Shaw of the 176th, Carter of the 175th, Corbett of the 174th and Sharper of the 177th:

A BILL to be entitled an Act to authorize the governing authority of Lowndes County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 85. By Senators Beach of the 21st, Ginn of the 47th, Gooch of the 51st, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development authorities, so as to revise the definition of project as applicable to said chapter; to modify the tax exemption of development authorities; to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 89. By Senators Albers of the 56th, Beach of the 21st, Hufstetler of the 52nd, Black of the 8th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 19 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to textbooks for elementary and secondary education, so as to require instructional materials and content to be in digital or electronic format after a certain date; to require local boards of education to provide wireless electronic devices for students to access instructional materials and content; to revise provisions for purposes of conformity; to provide for a short title; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 100. By Senators Harper of the 7th, Albers of the 56th, Williams of the 19th, Dugan of the 30th, Seay of the 34th and others:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for applicability with current federal regulations in the safe operations of motor carriers and commercial motor vehicles; to provide for definitions; to provide for registration and regulation of for-hire intrastate motor carriers and intrastate motor carriers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 104. By Senators Dugan of the 30th, Miller of the 49th, Kennedy of the 18th and Jackson of the 24th:

A BILL to be entitled an Act to amend Code Section 50-17-50 of the Official Code of Georgia Annotated, relating to the State Depository Board, so as to delete references to building and loan associations; to modify the board

composition to reflect current practice; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

Pursuant to HR 343, the House commended John Andrew Smoltz for his contributions to the State of Georgia; recognized his outstanding achievements in the sport of baseball; and invited him to be recognized by the House of Representatives.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Williams of the 87th, Gravley of the 67th et al., Epps of the 144th, Deffenbaugh of the 1st, Houston of the 170th, Buckner of the 137th, Wilkinson of the 52nd et al., Rhodes of the 120th, and Jones of the 62nd.

Pursuant to HR 309, the House commended Maggie Bridges on her continued dedication to the State of Georgia, congratulated her for being crowned Miss Georgia 2014, and invited her to be recognized by the House of Representatives.

Pursuant to HR 428, the House recognized the month of April, 2015, as Genocide Prevention and Awareness Month at the Capitol and invited the Georgia Coalition to Prevent Genocide to be recognized by the House of Representatives.

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

Your Committee on Higher Education has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 3	Do Pass, by Substitute
HB 353	Do Pass, by Substitute

Respectfully submitted,
/s/ Rogers of the 29th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House were taken up for consideration and read the third time:

HB 339. By Representatives Burns of the 159th, Stephens of the 164th, Strickland of the 111th, Rice of the 95th, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of state income taxes, so as to extend the tax credit for film, video, or digital production in this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of state income taxes, so as to extend the tax credit for film, video, or digital production in this state; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of state income taxes, is amended by revising subsection (e) of Code Section 48-7-40.26, relating to the tax credit for film, video, or digital production in this state, as follows:

"(e)(1) In no event shall the aggregate amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates exceed \$25 million for taxable years beginning on or after January 1, 2013, and before January 1, 2014. The maximum credit for any qualified interactive entertainment production company and its affiliates shall be \$5 million for such taxable year. When the \$25 million cap is reached, the tax credit for qualified interactive entertainment production companies shall expire for such taxable years.

(2) For taxable years beginning on or after January 1, 2014, and before January 1, 2015, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed \$12.5 million.

(3) For taxable years beginning on or after January 1, 2015, and before January 1, 2016, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed \$12.5 million.

(4) ~~The tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not be available for taxable~~

years beginning on or after January 1, 2016 For taxable years beginning on or after January 1, 2016, and before January 1, 2019, the amount of tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not exceed \$12.5 million for each taxable year. The tax credits allowed under this Code section for qualified interactive entertainment production companies and affiliates shall not be available for taxable years beginning on or after January 1, 2019.

(5) The maximum allowable credit claimed for any qualified interactive entertainment production company and its affiliates shall not exceed \$1.5 million in any single year.

(6) The commissioner shall allow the tax credits for qualified interactive entertainment production companies on a first come, first served basis based on the date the credits are claimed.

(7) No qualified interactive entertainment production company shall be allowed to claim an amount of tax credits under this Code section for any single year in excess of its total aggregate payroll expended to employees working within this state for the calendar year directly preceding the start of the year the qualified interactive entertainment production company claims the tax credits. Any amount in excess of such limit shall not be eligible for carry forward to the succeeding years' tax liability, nor shall such excess amount be eligible for use against the qualified interactive entertainment production company's quarterly or monthly payment under Code Section 48-7-103, nor shall such excess amount be assigned, sold, or transferred to any other taxpayer.

(8) Before the Department of Economic Development issues its approval to the qualified interactive entertainment production company for the qualified production activities related to interactive entertainment, the qualified interactive entertainment production company must certify to the department that:

(A) The qualified interactive entertainment production company maintains a business location physically located in this state; and

(B) The qualified interactive entertainment production company had expended a total aggregate payroll of \$500,000.00 or more for employees working within this state during the calendar year directly preceding the start of the taxable year of the qualified interactive entertainment production company.

The department shall issue a certification that the qualified interactive entertainment production company meets the requirements of this paragraph; provided, however, that the department shall not issue any certifications before July 1, 2014. The qualified interactive entertainment production company shall provide such certification to the Department of Economic Development. The Department of Economic Development shall not issue its approval until it receives such certification.

(9)(A) For taxable years beginning on or after January 1, 2016, and before January 1, 2019, the qualified interactive entertainment production company shall report to the Department of Revenue on its Georgia income tax return the monthly average number of full-time employees subject to Georgia income tax withholding for the

taxable year as provided in subparagraphs (A) and (B) of this paragraph. For purposes of this paragraph, a full-time employee shall mean a person who performs a job that requires a minimum of 35 hours a week, and pays at or above the average wage earned in the county with the lowest average wage earned in this state, as reported in the most recently available annual issue of the Georgia Employment and Wages Averages Report of the Department of Labor.

(B) For taxable years beginning on or after January 1, 2016, and before January 1, 2017, the qualified interactive entertainment production company shall report such number for such taxable year and separately for each of the prior two taxable years.

(C) For taxable years beginning on or after January 1, 2017, and before January 1, 2019, the qualified interactive entertainment production company shall report such number for each respective taxable year.

(D) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, for such taxable years, the commissioner shall report yearly to the House Committee on Ways and Means and the Senate Finance Committee. The report shall include the name, tax year beginning, and monthly average number of full-time employees for each qualified interactive entertainment production company. The first report shall be submitted by June 30, 2016, and each year thereafter by June 30."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Dudgeon of the 25th was excused from voting on HB 339.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

E Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	E Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D

Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	E Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 312. By Representatives Tankersley of the 160th, Houston of the 170th and Clark of the 101st:

A BILL to be entitled an Act to amend Code Section 48-11-4 of the Official Code of Georgia Annotated, relating to the licensing of persons engaged in tobacco business, initial and annual fees, suspension and revocation, registration and inspection of vending machines, bond by distributor, jurisdiction, and licensing of promotional activities, so as to remove certain bonding requirements pertaining to manufacturers and importers of tobacco products; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

E Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer

Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	E Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 169, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HR 395. By Representatives Greene of the 151st, Nix of the 69th, Pezold of the 133rd, Smith of the 134th, Smyre of the 135th and others:

A RESOLUTION creating the Joint Georgia-Alabama Study Committee; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

E Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R

Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	E Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the adoption of the Resolution, the ayes were 164, nays 2.

The Resolution, having received the requisite constitutional majority, was adopted.

HB 412. By Representatives Hamilton of the 24th, Nimmer of the 178th, Fleming of the 121st, Ehrhart of the 36th, Bryant of the 162nd and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to change certain provisions relating to workers' compensation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to change certain provisions relating to workers' compensation; to change certain provisions relating to the exclusivity of rights and remedies granted to an employee under workers' compensation and immunity granted to construction design professionals; to eliminate the Conformed Panel of Physicians as a method by which an employer may satisfy the requirements for furnishing medical care; to increase the maximum weekly compensation for temporary total disability benefits; to increase the maximum weekly compensation for temporary partial disability benefits; to change provisions relating to compensation payable to a surviving spouse when there are no other dependents; to change certain provisions relating to payment of assessments to the Subsequent Injury Trust Fund by insurers and self-insurers and calculations applicable thereto; to provide for the transfer of the books, records, and property of the Subsequent Injury Trust Fund to the custody of the Insurance Department upon dissolution of the fund; to change the date by which the fund and members of its board of trustees shall be discharged from their duties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, is amended by revising subsection (a) of Code Section 34-9-11, relating to exclusivity of rights and remedies granted to employee under Chapter 9 and immunity granted to construction design professionals, as follows:

"(a) The rights and the remedies granted to an employee by this chapter shall exclude and be in place of all other rights and remedies of such employee, his or her personal representative, parents, dependents, or next of kin, and all other civil liabilities whatsoever at common law or otherwise, on account of such injury, loss of service, or death; provided, however, that ~~no employee~~ the employer may be liable to the employee for rights and remedies beyond those provided in this chapter by expressly agreeing in writing to specific additional rights and remedies; provided, further, however, that the use of contractual provisions generally relating to workplace safety, generally relating to compliance with laws or regulations, or generally relating to liability insurance requirements shall not be construed to create rights and remedies beyond those provided in this chapter. No employee shall be deprived of any right to bring an action against any third-party tort-feasor, other than an employee of the same employer or any person who, pursuant to a contract or agreement with an employer, provides workers' compensation benefits to an injured employee, notwithstanding the fact that no common-law master-servant relationship or contract of employment exists between the injured employee and the person providing the benefits, and other than a construction design professional who is retained to perform professional services on or in conjunction with a construction project on which the employee was working when injured, or any employee of a construction design professional who is assisting in the

performance of professional services on the construction site on which the employee was working when injured, unless the construction design professional specifically assumes by written contract the safety practices for the project. The immunity provided by this subsection to a construction design professional shall not apply to the negligent preparation of design plans and specifications, nor shall it apply to the tortious activities of the construction design professional or the employees of the construction design professional while on the construction site where the employee was injured and where those activities are the proximate cause of the injury to the employee or to any professional surveys specifically set forth in the contract or any intentional misconduct committed by the construction design professional or his or her employees."

SECTION 2.

Said chapter is further amended by revising subsections (b) and (c) of Code Section 34-9-201, relating to selection of physician from panel of physicians, change of physician or treatment, and liability of employer for failure to maintain panel, as follows:

"(b) The employer may satisfy the requirements for furnishing medical care under Code Section 34-9-200 in one of the following manners:

(1) The employer shall maintain a list of at least six physicians or professional associations or corporations of physicians who are reasonably accessible to the employees; provided, however, that the board may grant exceptions to the required size of the panel where it is demonstrated that more than four physicians or groups of physicians are not reasonably accessible. This list shall be known as the 'Panel of Physicians.' At least one of the physicians ~~must~~ shall practice the specialty of orthopedic surgery. Not more than two industrial clinics shall be included on the panel. An employee may accept the services of a physician selected by the employer from the panel or may select another physician from the panel. The physicians selected under this subsection from the panel may arrange for any consultation, referral, and extraordinary or other specialized medical services as the nature of the injury shall require without prior authorization from the board; provided, however, that any medical practitioner providing services as arranged by a primary authorized treating physician under this subsection shall not be permitted to arrange for any additional referrals. The employee may make one change from one physician to another on the same panel without prior authorization of the board; or

~~(2) The employer may maintain a list of physicians in conformity with the guidelines and criteria established and contained in the Rules and Regulations of the State Board of Workers' Compensation. This list shall be known as the 'Conformed Panel of Physicians.' An employee may obtain the services of any physician from the conformed panel and may thereafter also elect to change to another physician on the panel without prior authorization of the board. The physician so selected will then become the primary authorized treating physician in control of the employee's medical care and may arrange for any consultation, referral, and extraordinary or other specialized medical services as the nature of the injury shall require without prior authorization by the board; provided, however, that any of the physicians to~~

~~whom the employee is referred by the primary authorized treating physician shall not be permitted to arrange for any additional referrals; or~~

(3)(2) A self-insured employer or the workers' compensation insurer of an employer may contract with a managed care organization certified pursuant to Code Section 34-9-208 for medical services required by this chapter to be provided to injured employees. Medical services provided under this paragraph shall be known as 'Managed Care Organization Procedures.' Those employees who are subject to the contract shall receive medical services in the manner prescribed in the contract. Each such contract ~~must~~ shall comply with the certification standards provided in Code Section 34-9-208. Self-insured employers or workers' compensation insurers who contract with a managed care organization for medical services shall give notice to the employees of the eligible medical service providers and such other information regarding the contract and manner of receiving medical services as the board may prescribe.

(c) Consistent with the method elected under subsection (b) of this Code section, the employer shall post the Panel of Physicians ~~or Conformed Panel of Physicians~~ or Managed Care Organization Procedures in prominent places upon the business premises and otherwise take all reasonable measures to ensure that employees:

- (1) Understand the function of the panel or managed care organization procedures and the employee's right to select a physician therefrom in case of injury; and
- (2) Are given appropriate assistance in contacting panel or managed care organization members when necessary."

SECTION 3.

Said chapter is further amended by revising Code Section 34-9-261, relating to compensation for total disability, as follows:

"34-9-261.

While the disability to work resulting from an injury is temporarily total, the employer shall pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the employee's average weekly wage but not more than ~~\$525.00~~ \$550.00 per week nor less than \$50.00 per week, except that when the weekly wage is below \$50.00, the employer shall pay a weekly benefit equal to the average weekly wage. The weekly benefit under this Code section shall be payable for a maximum period of 400 weeks from the date of injury; provided, however, that in the event of a catastrophic injury as defined in subsection (g) of Code Section 34-9-200.1, the weekly benefit under this Code section shall be paid until such time as the employee undergoes a change in condition for the better as provided in paragraph (1) of subsection (a) of Code Section 34-9-104."

SECTION 4.

Said chapter is further amended by revising Code Section 34-9-262, relating to compensation for temporary partial disability, as follows:

"34-9-262.

Except as otherwise provided in Code Section 34-9-263, where the disability to work resulting from the injury is partial in character but temporary in quality, the employer shall pay or cause to be paid to the employee a weekly benefit equal to two-thirds of the difference between the average weekly wage before the injury and the average weekly wage the employee is able to earn thereafter but not more than ~~\$350.00~~ \$367.00 per week for a period not exceeding 350 weeks from the date of injury."

SECTION 5.

Said chapter is further amended by revising subsection (d) of Code Section 34-9-265, relating to compensation for death resulting from injury and other causes, penalty for death from injury proximately caused by intentional act of employer, and payment of death benefits where no dependents found, as follows:

"(d) The total compensation payable under this Code section to a surviving spouse as a sole dependent at the time of death and where there is no other dependent for one year or less after the death of the employee shall in no case exceed ~~\$150,000.00~~ \$220,000.00."

SECTION 6.

Said chapter is further amended by revising Code Section 34-9-358, relating to payment of assessments to the Subsequent Injury Trust Fund by insurers and self-insurers and calculations, as follows:

"34-9-358.

(a) Prior to January 1, 2010, each insurer and self-insurer under this chapter shall, under regulations prescribed by the board of trustees, make payments to the fund in an amount equal to that proportion of 175 percent of the total disbursement made from the fund during the preceding calendar year less the amount of the net assets in the fund as of December 31 of the preceding calendar year which the total workers' compensation claims paid by the insurer or self-insurer bears to the total workers' compensation claims paid by all insurers and self-insurers during the preceding calendar year.

(b) ~~On or~~ and after January 1, 2010, but prior to January 1, 2016, each insurer and self-insurer under this chapter shall, under regulations prescribed by the board of trustees, make payments to the fund in an amount equal to that proportion of 175 percent of the total disbursement made from the fund during the preceding calendar year as of December 31 of the preceding calendar year which the total workers' compensation claims paid by the insurer or self-insurer bears to the total workers' compensation claims paid by all insurers and self-insurers during the preceding calendar year but not to exceed \$100 million.

(c) On and after January 1, 2016, each insurer and self-insurer under this chapter shall, under regulations prescribed by the board of trustees, make payments to the fund in an amount equal to that proportion of \$100 million the total workers' compensation claims paid by the insurer or self-insurer bears to the total workers' compensation claims paid

by all insurers and self-insurers during the preceding calendar year but not to exceed \$100 million.

(d) The administrator is authorized to create and maintain a reserve of surplus moneys as may be deemed necessary by the board of trustees in order to ensure sufficient moneys will be available for the payment of all claims that are to be paid by the fund in accordance with Code Section 34-9-368.

~~(e)~~(e) The administrator is authorized to reduce or suspend assessments for the fund when a completed actuarial survey shows further assessments are not needed for all bona fide claims that are to be paid by the fund.

~~(d)~~(f)(1) When further assessments are not needed as all eligible workers' compensation claims for which the fund is liable in accordance with Code Section 34-9-368 have been paid and all related administrative costs have been accrued or paid and a balance remains in the fund, all insurers and self-insurers in this state who have maintained workers' compensation insurance in this state for any time during the preceding three years from the date that the last claim has been paid shall be entitled to a pro rata refund of assessments previously collected and unexpended in the remaining fund balance.

(2) The calculation for such pro rata refund to be paid by the fund to each individual insurer and self-insurer shall be determined by the following formula:

The balance remaining in the fund shall be the numerator and shall be divided by the total amount of assessments for workers' compensation coverage paid by all insurers and self-insurers during the three-year period, which shall be the denominator. The quotient of the numerator and denominator shall be multiplied by the total amount of assessments that are paid by the individual insurer or self-insurer during the three-year period. The product of those numbers shall represent the amount to be paid to such insurer or self-insurer as its pro rata refund from the balance remaining in the fund.

(3) Nothing in this subsection shall preclude the board of trustees from authorizing a loss portfolio transfer of any unresolved claims.

~~(e)~~(g) An employer who has ceased to be a self-insurer prior to the end of the calendar year shall be liable to the fund for the assessment of the calendar year. Such employer who has ceased to be a self-insurer shall continue to be liable to the fund for assessments in subsequent calendar years so long as payments are made on any workers' compensation claims made while in self-insured status.

~~(f)~~(h) The initial assessment of each insurer or self-insurer for the purpose of generating revenue to begin operation of the fund shall be in the amount of one-half of 1 percent of the workers' compensation premiums collected by the insurer for the preceding calendar years from an employer who is subject to this chapter or the equivalent of such in the case of a self-insurer."

SECTION 7.

Said chapter is further amended by revising subsection (c) of Code Section 34-9-368, relating to reimbursement of self-insured employers or insureds and dissolution of the Subsequent Injury Trust Fund, as follows:

"(c) Upon or in contemplation of the final payment of all claims filed for subsequent injuries for which claims are filed for injuries occurring on and prior to June 30, 2006, the board of trustees shall adopt and implement resolutions providing for the final dissolution of the Subsequent Injury Trust Fund. Such resolutions shall become effective when all claims made for injuries occurring on and prior to June 30, 2006, have been fully paid or otherwise resolved and shall include provisions for:

- (1) The termination of assessments against insurers or self-insurers;
- (2) The pro rata refund of assessments previously collected and unexpended, consistent with the provisions of subsection ~~(d)~~ (f) of Code Section 34-9-358;
- (3) The termination of employment of the employees of the fund or the transfer of employment of any employees to any other state agency desiring to accept them;
- (4) A final accounting of the financial affairs of the fund; and
- (5) The transfer of the books, records, and property of the fund to the custody of the State Board of Workers' Compensation Insurance Department.

Upon the completion of all matters provided for in such resolutions, but not later than ~~December 31, 2020~~ December 31, 2023, the Subsequent Injury Trust Fund and the members of its board of trustees shall be discharged from their duties except for such personnel necessary to administer any remaining claims."

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

E Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner

Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccia	Y Rogers, C	E Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Sims	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 348. By Representatives Dickey of the 140th, Nimmer of the 178th, Coomer of the 14th and Rogers of the 10th:

A BILL to be entitled an Act to repeal Chapter 14 of Title 34 of the Official Code of Georgia Annotated, relating to the Georgia Workforce Investment Board; to amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Economic Development, so as to create the State Workforce Development Board; to provide for a Workforce Division within the Department of Economic Development; to provide for a deputy commissioner; to provide for policy development and implementation; to revise provisions for the administration and dispersal of funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

E Abrams	Y Coomer	N Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
N Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	N Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	N Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efratration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	E Wilkerson
N Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
N Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
N Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 7.

The Bill, having received the requisite constitutional majority, was passed.

HB 275. By Representatives Strickland of the 111th, Ramsey of the 72nd, Harrell of the 106th, Knight of the 130th, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to setoff debt collection relative to income taxes, so as to revise the definition of the term "claimant agency"; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

E Abrams	Y Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Y Harrell	Y Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatcher	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	Y Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Y Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	Y Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	Y England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Y Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	Y LaRiccica	Y Rogers, C	E Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Y Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Y Williamson
Y Coleman	Y Greene	E McCall	Y Shaw	Y Yates
Y Cooke	Y Hamilton	Y McClain	Y Sims	Ralston, Speaker

On the passage of the Bill, the ayes were 168, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

HB 276. By Representatives Harrell of the 106th, Maxwell of the 17th, Powell of the 32nd and Martin of the 49th:

A BILL to be entitled an Act to amend Title 3 of the O.C.G.A., relating to alcoholic beverages, so as to modernize certain terms, repeal certain obsolete

provisions, and remove or correct certain inconsistent references; to amend Code Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts of intoxicated persons, so as to make a cross-reference consistent; to amend Code Section 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of watercraft, identification, and operation by minors, so as to make a cross-reference consistent; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to modernize certain terms, repeal certain obsolete provisions, and remove or correct certain inconsistent references; to define and change certain definitions applicable to alcoholic beverages; to consolidate and revise certain provisions related to occupational license taxes; to change certain provisions relating to promulgation of rules and regulations governing advertising of distilled spirits and other alcoholic beverages; to repeal in its entirety Article 3 of Chapter 3, relating to prohibited conduct on licensed premises; to repeal certain provisions relating to certain forms and filings applicable to licenses or taxes; to change certain provisions relating to dispensing, serving, or selling alcoholic beverages to or taking orders for alcoholic beverages from persons under 18 years of age; to change certain provisions relating to the sale or furnishing of alcoholic beverages to patients or inmates of Central State Hospital and to the sale or possession of alcoholic beverages near or upon the grounds of such hospital; to repeal certain provisions relating to retail dealer's signs and signs advertising the Georgia lottery; to remove the requirement that a permit be issued by the commissioner of revenue for educational and promotional distillery tours and tastings; to change certain provisions relating to the production of malt beverages in private residences, consumption, transportation and delivery, and home-brew special events; to change certain provisions relating to required markings on certain containers of malt beverages; to change certain provisions applicable to brewpub licenses; to change certain provisions relating to annual permits for educational and promotional brewery tours; to change certain provisions relating to the household production of wine; to amend Code Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts of intoxicated persons, so as to make a cross-reference consistent; to amend Code Section 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of watercraft, identification, and operation by minors, so as to make a cross-reference consistent; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising Code Section 3-1-2, relating to definitions, as follows:

"3-1-2.

As used in this title, the term:

(1) 'Alcohol' means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(2) 'Alcoholic beverage' means and includes all alcohol, distilled spirits, ~~beer~~, malt ~~beverage~~ beverages, ~~wine~~ wines, or fortified ~~wine~~ wines.

(3) 'Beer' means any malt beverage.

(4) 'Brewer' means any person engaged in manufacturing malt beverages.

(5) 'Brewery' means any licensed premises used for the purpose of manufacturing malt beverages.

~~(3)(6)~~ (6) 'Brewpub' means any ~~eating~~ dining establishment in which ~~beer or~~ malt beverages are manufactured ~~or brewed~~, subject to the barrel production limitation prescribed in Code Section 3-5-36, for retail consumption on the premises ~~and~~ solely in draft form. ~~As used in this paragraph, the term 'eating establishment' means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be used when determining the total annual gross food and beverage sales.~~

~~(4)(7)~~ (7) 'Broker' means any person ~~who~~ that purchases or obtains an alcoholic beverage from an importer, ~~distillery, brewery~~ distiller, brewer, or ~~winery~~ vintner and sells the alcoholic beverage to another broker, an importer, or a wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

~~(5)(8)~~ (8) 'Commissioner' means the state revenue commissioner.

~~(6)(9)~~ (9) 'County or municipality' or 'municipality or county' means those political subdivisions of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.

(10) 'Denaturants' means materials authorized for use pursuant to Chapter I of Title 27 of the Code of Federal Regulations.

(11) 'Denatured alcohol' or 'denatured distilled spirits' means alcohol to which denaturants have been added to render the alcohol unfit for beverage purposes or internal human medicinal use.

~~(7)(12)~~ (12) 'Department' means the Department of Revenue.

(13) 'Dessert wine' means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

(14) 'Dining establishment' means an establishment which is licensed to sell distilled spirits, malt beverages, or wines, or a combination thereof, and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared

meals or food; provided, however, that any barrels of malt beverages sold to licensed wholesalers, as authorized pursuant to subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be included when determining the total annual gross food and beverage sales.

~~(8)~~(15) 'Distilled spirits' means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

(16) 'Distiller' means any person engaged in distilling, rectifying, or blending any distilled spirits. The term 'distiller' shall not include a person that blends wine with distilled spirits to produce a fortified wine.

(17) 'Distillery' means any licensed premises used for the purpose of manufacturing distilled spirits.

(18) 'Farm winery' means a vintner that makes at least 40 percent of its annual production from agricultural produce grown in the state where the vintner's winery is located and such winery:

(A) Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the vintner; or

(B) Is owned and operated by persons that are engaged in the production of a substantial portion of the agricultural produce used in the vintner's annual production.

For purposes of this paragraph, the commissioner shall determine what is a substantial portion of such premises or agricultural produce.

(19) 'Fermented apple beverage' means any alcoholic beverage containing not more than 6 percent alcohol by volume made from the fermentation of the juice of apples. For purposes of this title, the term 'fermented apple beverage' shall be deemed a malt beverage.

~~(9)~~(20) 'Fortified wine' means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term 'fortified wine' includes, but is not limited to, brandy.

(21) 'Fruit grower' means any person that grows perishable fruits in this state and manufactures distilled spirits from such perishable fruits.

~~(40)~~(22) 'Gallon' or 'wine gallon' means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

~~(10.1) 'Hard cider' means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this title, hard cider shall be deemed a malt beverage. The term does not include 'sweet cider.'~~

(23) 'Georgia farm winery' means a farm winery that is licensed by the commissioner to manufacture wine in this state.

~~(11)~~(24) 'Importer' means any person who that:

(A) Imports imports an alcoholic beverage into this state from a foreign country;

(B) Sells such ~~and sells the~~ alcoholic beverage to another importer, a broker, or a wholesaler; and

(C) Maintains ~~who maintains~~ a stock of ~~the~~ such alcoholic beverage.

~~(12)~~ 'Individual' means a natural person.

~~(25)~~ 'Keg' means any brewer-sealed container or barrel containing, by liquid volume, more than two gallons of malt beverage.

~~(26)~~ 'Liquor' means any distilled spirits.

~~(13)~~~~(27)~~ 'Malt beverage' means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does 'malt beverage' shall not include sake, known as Japanese rice wine.

~~(14)~~~~(28)~~ 'Manufacturer' means any maker, producer, or bottler of an alcoholic beverage. The term 'manufacturer' also means:

(A) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits distiller;

(B) In the case of malt beverages, any brewer; and

(C) In the case of wine, any vintner.

~~(15)~~~~(29)~~ 'Military reservation' means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.

~~(30)~~ 'Nonprofit museum' means a museum whose mission includes educating the public about the local, state, and national history of the United States and that is owned and operated by a bona fide nonprofit civic organization which holds title to improved real property with a structure listed on the National Register of Historic Places.

~~(16)~~~~(31)~~ 'Package' means a bottle, can, keg, barrel, or other original consumer container.

~~(17)~~~~(32)~~ 'Person' means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

~~(33)~~ 'Proper identification' means any document issued by a governmental agency containing a description of an individual or an individual's photograph, or both, and giving such individual's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104. The term 'proper identification' shall not include a birth certificate and any traffic citation and complaint form.

~~(18)~~(34) ~~'Retail consumption dealer'~~ 'Retail on premise liquor dealer' means any person ~~who sells that~~:

(A) Sells distilled spirits for consumption on the premises at retail only to consumers and not for resale; or

(B)(i) Sells distilled spirits for consumption on the premises at retail only to consumers and not for resale; and

(ii) Sells either malt beverages or wine, or both.

~~(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term shall have the same meaning as the term 'retail package liquor store.'~~

~~(19.1)~~(35) ~~'Retail package liquor store dealer'~~ means ~~a retail business establishment owned by an individual, partnership, corporation, association, or other business entity~~ any person that:

(A) Sells the following in original and unbroken packages at retail only to consumers, not for resale and not for consumption on the premises:

(i) Distilled spirits; or

(ii)(I) Distilled spirits; and

(II) Either malt beverages or wine, or both; and

~~(A)(B) Primarily Is primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises, except as authorized under this chapter; and~~

~~(B) Which derives from such retail sale of alcoholic beverages in unbroken packages such that at least 75 percent of its the total annual gross sales are derived from the sale of a combination of distilled spirits, malt beverages, and wine alcoholic beverages.~~

~~(36) 'Retail wine-malt beverage dealer'~~ means any person that:

(A) Sells either malt beverages or wine, or both, either in unbroken packages or for consumption on the premises, or both, at retail only to consumers and not for resale; and

(B) Does not sell distilled spirits.

~~(20)~~(37) ~~'Shipper'~~ means any person ~~who~~ that ships an alcoholic beverage from outside this state.

~~(21)~~(38) ~~'Standard case'~~ means:

(A) In relation to wine or distilled spirits, six containers of 1.75 liters, 12 containers of 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters; and

(B) In relation to malt beverages, a box or receptacle containing not more than 288 ounces.

(39) 'Table wine' means wine having an alcoholic strength of not more than 14 percent alcohol by volume.

~~(22)~~(40) 'Taxpayer' means any person made liable by law to file a return or to pay tax.

(41) 'Vintner' means any person engaged in the manufacturing of wine.

~~(23)~~(42) 'Wholesaler' or ~~'wholesale dealer'~~ means any person ~~who~~ that sells alcoholic beverages to ~~other wholesale dealers, to retail dealers, or to retail consumption dealers~~ retail wine-malt beverage dealers, retail on premise liquor dealers, retail package liquor store dealers, or other wholesalers.

~~(24)~~(43)(A) 'Wine' means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added or made from honey. ~~The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products.~~ The term does 'wine' shall not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

(B) A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of ~~wine~~ the term 'wine' contained in ~~this Code section subparagraph (A) of this paragraph.~~

(44) 'Winery' means any licensed premises used for the purposes of manufacturing wine."

SECTION 2.

Said title is further amended by revising Code Section 3-1-3, relating to existing forms and filings, as follows:

"3-1-3.

~~Every form of license or tax document or other license or tax related filing lawfully in use immediately prior to July 1, 1981, may continue to be so used or be effective until the commissioner, in accordance with this title, otherwise prescribes.~~ Reserved."

SECTION 3.

Said title is further amended by revising Code Section 3-1-5, relating to posting of warning by retailer that consumption of alcohol during pregnancy is dangerous, as follows:

"3-1-5.

(a) ~~All retail consumption dealers and retail dealers~~ retail on premise liquor dealers and retail wine-malt beverage dealers in this state ~~who~~ that sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign which clearly reads: 'Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.'

(b) The department shall make such warning signs available to such ~~retailers of alcoholic beverages~~ retail on premise liquor dealers and retail wine-malt beverage dealers and shall promulgate rules and regulations with respect to the form and the

posting of ~~said~~ such signs. A fee may be charged by the department to cover printing, postage, and handling expenses.

(c) Any person ~~who~~ that fails or refuses to post the sign as required in this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$100.00 for each violation."

SECTION 4.

Said title is further amended by adding a new Code section to read as follows:

"3-2-5.1.

(a) Annual occupational license taxes are imposed as follows:

(1) In the case of distilled spirits, upon each:

(A) Distiller \$ 1,000.00

(B) Distiller that is a fruit grower 500.00

(C) Distiller that is a nonprofit museum 100.00

(D) Wholesaler 1,000.00

(E) Importer 1,000.00

(F) Broker 100.00

(G) Retail package liquor dealer:

(i) For distilled spirits only 100.00

(ii) For distilled spirits and malt beverages 150.00

(iii) For distilled spirits and wine 150.00

(iv) For distilled spirits, malt beverages, and wine 200.00

(H) Retail on premise liquor dealer:

(i) For distilled spirits only 100.00

(ii) For distilled spirits and malt beverages 150.00

(iii) For distilled spirits and wine 150.00

(iv) For distilled spirits, malt beverages, and wine 200.00

(2) In the case of malt beverages, upon each:

(A) Brewer \$ 1,000.00

(B) Dining establishment that is a brewpub 1,000.00

(C) Wholesaler 500.00

<u>(D) Importer</u>	<u>500.00</u>
<u>(E) Broker.....</u>	<u>50.00</u>
<u>(F) Retail wine-malt beverage dealer:</u>	
<u>(i) For malt beverages only</u>	<u>50.00</u>
<u>(ii) For malt beverages and wine</u>	<u>100.00</u>
<u>(3) In the case of wines, upon each:</u>	
<u>(A) Vintner</u>	<u>\$ 1,000.00</u>
<u>(B) Farm winery</u>	<u>50.00</u>
<u>(C) Georgia farm winery</u>	<u>50.00</u>
<u>(D) Wholesaler</u>	<u>500.00</u>
<u>(E) Importer.....</u>	<u>500.00</u>
<u>(F) Broker.....</u>	<u>50.00</u>
<u>(G) Retail wine-malt beverage dealer:</u>	
<u>(i) For wine only.....</u>	<u>50.00</u>
<u>(ii) For wine and malt beverages</u>	<u>100.00</u>
<u>(H) Special order shipping applicant</u>	<u>50.00</u>
<u>(b) An annual occupational license tax shall be paid by each applicant for each place of business operated.</u>	
<u>(c)(1) Except as provided in paragraph (2) of this subsection, an application for a license required pursuant to this title along with the payment of the tax required by subsection (a) of this Code section shall be submitted to the department immediately upon assuming control of the place of business and annually thereafter for so long as the business is operated.</u>	
<u>(2) An application for a special order shipping license shall be submitted to the department along with the payment of the tax required by subsection (a) of this Code section and with each new application upon the expiration of such license."</u>	

SECTION 5.

Said title is further amended by revising Code Section 3-2-6, relating to establishment and operation of reporting system for collection of taxes on malt beverages, distilled spirits, and wines and applicability to reporting system of provisions of law relating to revenue stamps, as follows:

"3-2-6.

(a) ~~With respect to malt beverages and wine, the~~ The commissioner shall provide, ~~and with respect to distilled spirits, the commissioner may provide,~~ by ~~regulation~~ rules and regulations, that the taxes on malt beverages, wine, and distilled spirits shall be collected by a reporting system.

(b) Pursuant to the establishment of a reporting system authorized by subsection (a) of this Code section, the commissioner may promulgate rules and regulations which shall include, but shall not be limited to, provisions for:

- (1) Records to be made and kept;
- (2) Penalties to be assessed for failure to comply with the reporting system;
- (3) Bonds or other security to be posted with the commissioner; and
- (4) Other matters relative to the administration and enforcement of collecting the tax under the reporting system.

~~(c) In the event the commissioner prescribes a reporting system for collection of taxes imposed on distilled spirits by this title, all of the laws applicable to revenue stamps shall apply to the reporting system.~~

~~(d)~~(c) There is established a reporting system for the collection of state excise taxes imposed by this title on all taxable wine. The reporting system shall be conducted as follows:

- (1) Every licensed ~~wholesale dealer~~ wholesaler, importer, and broker located within this state shall file a monthly report with the commissioner, on forms prescribed by the commissioner, setting forth ~~his~~ such person's taxable wine sales for the month and shall remit with the report the appropriate excise taxes on the wine. The reports and remittances shall be filed with the commissioner not later than the fifteenth day of the month next following the month of sale; and
- (2) Every licensed manufacturer, ~~winery, producer~~ vintner, shipper, importer, and broker shipping wines or causing wines to be shipped into ~~the~~ this state shall file a monthly report with the commissioner, on forms prescribed by the commissioner, which shall set forth the total quantity of wines shipped into ~~the~~ this state during the month and which shall have attached to it legible copies of all invoices covering the shipments. The monthly reports shall be filed with the commissioner not later than the fifteenth day of the month next following the month of shipment."

SECTION 6.

Said title is further amended by revising subsection (a) of Code Section 3-2-7, relating to expiration and renewal of licenses generally, continuation of operations by licensee pending final approval or disapproval of application for renewal, penalty for late application for renewal, and temporary permits, as follows:

"(a)(1) Except as otherwise specifically provided in paragraph (2) of this subsection or elsewhere in this title, all licenses issued pursuant to this title shall expire on December 31 of each year and application for renewal shall be made annually on or before November 1.

(2) ~~On and after July 1, 2013, licenses for retailers and retail dealers~~ Licenses for retail wine-malt beverage dealers, retail on premise liquor dealers, and retail package liquor dealers shall be issued for a 12 month period to be determined by the commissioner and provided by ~~regulation~~ rules and regulations. Applications for renewal of licenses for ~~retailers and retail dealers~~ retail wine-malt beverage dealers, retail on premise liquor dealers, and retail package liquor dealers shall be made not less than 60 nor more than 90 days prior to expiration."

SECTION 7.

Said title is further amended by revising Code Section 3-2-11, relating to penalties for failure to file reports or returns or to pay tax or fee and procedure for assessment of taxes due, penalties, and interest, as follows:

"3-2-11.

Except as otherwise provided in this title:

- (1) When any person required to file a report as provided by this title fails to file the report within the time prescribed, ~~he~~ such person shall be assessed a penalty of \$50.00 for each failure to file.;
- (2) In the event the commissioner determines, upon inspection of the invoices, books, and records of a licensed ~~wholesale dealer~~ wholesaler or importer or from any other information obtained by him or her or his or her authorized agents, that the licensed ~~wholesale dealer~~ wholesaler or importer has not paid the proper tax or the proper amount of taxes, ~~the wholesale dealer~~ such wholesaler or importer shall be assessed for the taxes due. After assessment, the person assessed shall be provided with notice and an opportunity for a hearing as provided for contested cases by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.:'
- (3) When any person fails to pay any tax or license fee due as provided by this title, ~~the~~ such person shall be assessed a penalty the same as that provided for in Code Section 48-2-44.;
- (4) When any person fails to file a return, or files a false or fraudulent return, or when a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any tax imposed or authorized by this title, ~~the~~ such person shall be assessed a specific penalty of 50 percent of the tax due.;
- (5) When any person fails to pay the tax or any part of the tax due as provided by this title, ~~the~~ such person shall pay interest on the unpaid tax at the rate of 1 percent per month from the time the tax became due until paid or at the rate specified in Code Section 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any portion of a month during which payment is delinquent.;
- (6) All penalties and interest imposed by this title shall be payable to and collected by the commissioner in the same manner as if they were a part of the taxes imposed by this title."

SECTION 8.

Said title is further amended by revising Code Section 3-2-15, relating to promulgation of rules and regulations governing advertising of distilled spirits, as follows:

"3-2-15.

The commissioner ~~shall~~ may issue rules and regulations governing ~~all the~~ advertising of ~~distilled spirits~~ alcoholic beverages within this state."

SECTION 9.

Said title is further amended by repealing in its entirety Article 3 of Chapter 3, relating to prohibited conduct on licensed premises.

SECTION 10.

Said title is further amended by revising Code Section 3-3-6, relating to maintenance of records as to manufacture, purchase, or sale of alcoholic beverages by manufacturers, importers, or dealers and disposal of records, as follows:

"3-3-6.

(a) Each manufacturer, importer, ~~wholesale dealer, retail dealer, and retail consumption dealer~~ wholesaler, retail package liquor dealer, retail wine-malt beverage dealer, and retail on premise liquor dealer shall keep and preserve, as prescribed by the commissioner, records of all alcoholic beverages manufactured, purchased, or sold by ~~him~~ such person. The records shall be kept for a period of three years from the date of manufacture, purchase, or sale and shall at all times be open to inspection by the commissioner or any authorized agent or employee of the commissioner.

(b) The commissioner may authorize by ~~rule~~ rules and regulations the disposal of records maintained pursuant to subsection (a) of this Code section, prior to the expiration of the specified three-year period, when he or she is satisfied as to ~~their~~ the contents of such records or otherwise determines that the maintenance of ~~the~~ such records is no longer necessary."

SECTION 11.

Said title is further amended by revising subsections (p) and (q) of Code Section 3-3-7, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, as follows:

"(p)(1) Notwithstanding other laws, in each county or municipality in which package sales of malt beverages and wine by ~~retailers~~ retail wine-malt beverage dealers are lawful, but package sales of distilled spirits by ~~retailers~~ retail package liquor dealers are not lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such Sunday sales of both malt beverages and wine are approved by referendum as provided in paragraph (2) of this subsection.

(2) Any governing authority desiring to permit and regulate package sales ~~by retailers~~ of both malt beverages and wine by retail wine-malt beverage dealers on Sundays

between the hours of 12:30 P.M. and 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance specifying the hours during such period when such package sales may occur. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday package sales ~~by retailers~~ of both malt beverages and wine by retail wine-malt beverage dealers to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the county or, in the case of a municipality, in a newspaper of general circulation in the municipality. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales ~~by retailers~~ of both malt
() NO beverages and wine by retail wine-malt beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?'

All ~~persons~~ individuals desiring to vote for approval of package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'Yes,' and all ~~persons~~ individuals desiring to vote for rejection of package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or ordinance approving such Sunday package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers shall become effective upon the date so specified in ~~that~~ such resolution or ordinance. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) Whenever package sales of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M. are authorized by a county or municipality pursuant to this subsection, Sunday package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers may be made only by licensed ~~retailers~~ retail wine-malt beverage dealers that are licensed to sell by the package.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the sale of malt beverages and wine ~~by retailers~~ retail wine-malt beverage dealers.

(q)(1) Notwithstanding other laws, in each county or municipality in which package sales of malt beverages, wine, and distilled spirits by ~~retailers~~ retail wine-malt beverage dealers and retail package liquor dealers are all lawful, the governing

authority of the county or municipality, as appropriate, may authorize package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such Sunday sales of malt beverages, wine, and distilled spirits are approved by referendum as provided in paragraph (2) of this subsection. If the governing authority seeks authorization for Sunday sales of alcoholic beverages pursuant to this subsection, the governing authority shall seek authorization ~~of for~~ for Sunday package sales by retailers retail wine-malt beverage dealers and retail package liquor dealers of all alcoholic beverages, including malt beverages, wine, and distilled spirits, and not of only one type of alcoholic beverage.

(2) Any governing authority desiring to permit and regulate package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance specifying the hours during such period when such package sales may occur. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the county or, in the case of a municipality, in a newspaper of general circulation in the municipality. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?'
() NO

All ~~persons~~ individuals desiring to vote for approval of package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'Yes,' and all ~~persons~~ individuals desiring to vote for rejection of package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or ordinance approving such Sunday package sales ~~by retailers~~ of malt

beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers shall become effective upon the date so specified in ~~that~~ such resolution or ordinance. If more than one-half of the votes cast on the question are for disapproval of Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., such rejection shall not nullify the prior election results for approval of Sunday package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. pursuant to subsection (p) of this Code section. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M. are authorized by a county or municipality pursuant to this subsection, Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor dealers may be made only by licensed ~~retailers~~ retail wine-malt beverage dealers and retail package liquor dealers that are licensed to sell by the package.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the sale of alcoholic beverages by ~~retailers~~ retail wine-malt beverage dealers and retail package liquor dealers."

SECTION 12.

Said title is further amended by revising subsections (d) and (i) of Code Section 3-3-23, relating to furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification; proper identification; dispensing, serving, selling, or handling by persons under 21 years of age in the course of employment; seller's actions upon receiving false identification; and immunity for seeking medical assistance for alcohol related overdose, as follows:

"(d) The prohibition contained in paragraph (1) of subsection (a) of this Code section shall not apply with respect to the sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the ~~person~~ individual to whom the alcoholic beverage is sold is 21 years of age or older. ~~For purposes of this subsection, the term 'proper identification' means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under Code Sections 40-5-100 through 40-5-104. 'Proper identification' shall not include a birth certificate and shall not include any traffic citation and complaint form.~~"

"(i) Any ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer, or any person acting on behalf

of such ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer, ~~who~~ that upon requesting proper identification from ~~a person~~ an individual attempting to purchase alcoholic beverages from such ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer pursuant to subsection (h) of this Code section is tendered a driver's license which indicates that such driver's license is falsified; or is not the driver's license of the ~~person~~ individual presenting it, or that such ~~person~~ individual is under the age of 21 years, the person to whom ~~said~~ such license is tendered shall be authorized to either write down the name, address, and license number or to seize and retain such driver's license and in either event shall immediately thereafter summon a law enforcement officer who shall be authorized to seize the license either at the scene or at such time as the license can be located. The procedures and rules connected with the retention of such license by the officer shall be the same as those provided for the acceptance of a driver's license as bail on arrest for traffic offenses pursuant to Code Section 17-6-11."

SECTION 13.

Said title is further amended by revising Code Section 3-3-24, relating to dispensing, serving, selling, or taking orders for alcoholic beverages by persons under 18 years of age, as follows:

"3-3-24.

(a) No person shall allow or require ~~a person~~ an individual in ~~his~~ such person's employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverages.

(b) This Code section shall not prohibit ~~persons~~ individuals under 18 years of age who are employed ~~in supermarkets, convenience stores, breweries, or drugstores~~ by a retail wine-malt beverage dealer that is not licensed for the same premises as a retail on premise liquor dealer or a retail package liquor dealer from selling or handling alcoholic beverages which are sold for consumption off the premises."

SECTION 14.

Said title is further amended by revising Code Section 3-3-24.2, relating to the posting of laws concerning sales to underage persons, contents of notice, and punitive action against violators, as follows:

"3-3-24.2.

(a) Each retail business establishment in this state which is licensed to sell alcoholic beverages of any kind shall post in a conspicuous place or places a notice which shall contain the provisions of the laws of this state which deal with the unlawful sale of such ~~items~~ alcoholic beverages to underage ~~persons~~ individuals and the penalties for violating such laws.

(b) The department shall ~~prepare, print, and distribute~~ make available the notices required by subsection (a) of this Code section. The notices shall contain those provisions of the ~~law~~ laws of this state which the department determines will best

inform the citizens of this state of the relevant provisions of the ~~law~~ laws of this state regarding sale of alcoholic beverages to underage ~~persons~~ individuals.

(c) The commissioner may take punitive action against violators, up to and including revocation of the state ~~retail-dealer's~~ license to sell alcoholic beverages of any retail business establishment which fails to comply with this Code section. The undertaking of any punitive action allowed under this Code section shall not prohibit criminal prosecution for sale to underage ~~persons~~ individuals."

SECTION 15.

Said title is further amended by revising Code Section 3-3-25, relating to furnishing alcoholic beverages to prisoners or inmates of places of confinement, possession on grounds or within 200 yards of certain buildings prohibited, and exceptions, as follows:

"3-3-25.

(a) No person knowingly and intentionally shall:

(1) Offer for sale, sell, barter, exchange, give, provide, or furnish alcoholic beverages to:

~~(A) Any any~~ any person confined in any jail, penal institution, correctional facility, or other lawful place of confinement; or

~~(B) Any person who is a patient or lawful inmate of the Central State Hospital;~~

~~(2) Offer for sale any alcoholic beverages within 200 yards of any building of the Central State Hospital which was in existence on July 1, 1977; or~~

~~(3)(2) Introduce or possess any alcoholic beverages upon the grounds of the Central State Hospital or in the buildings of the Georgia War Veterans Home operated for the use and care of disabled war veterans.~~

(b) Nothing contained in this Code section shall prevent or prohibit:

(1) The administration of alcohol by the staff of the ~~above mentioned~~ institutions provided for in subsection (a) of this Code section to any prisoner, patient, or lawful inmate in strict compliance with the prescription of a licensed physician; or

(2) The staff members of ~~the Central State Hospital and~~ the Georgia War Veterans Home who maintain their domicile on the grounds of ~~these institutions~~ such institution from possessing alcoholic beverages for their own consumption or for that of their families or persons invited to their homes, except patients or lawful inmates of ~~these institutions~~ such institution.

(c) No person shall knowingly allow any other person to violate this Code section."

SECTION 16.

Said title is further amended by revising Code Section 3-3-26, relating to breaking of a package on the premises, as follows:

"3-3-26.

No ~~retail-dealer~~ retail package liquor dealer shall knowingly and intentionally allow or permit the breaking of any package or packages containing alcoholic beverages on the premises where sold or allow or permit the drinking of the contents of such package or

packages on the premises where sold. ~~This Code section shall not apply with respect to sales pursuant to a license for consumption on the premises."~~

SECTION 17.

Said title is further amended by revising Code Section 3-3-40, relating to definitions relative to prohibited conduct on licensed premises, as follows:

~~"3-3-40.~~

~~As used in this article, the term:~~

~~(1) 'Licensed premises' means any premises in which alcoholic beverages are sold or dispensed for consumption on the premises and shall include any premises which are required by law to be licensed to sell or dispense alcoholic beverages for consumption on the premises.~~

~~(2) 'Operator' means and includes the owner, license holder, operator, manager, and person in charge of any licensed premises Reserved."~~

SECTION 18.

Said title is further amended by revising Code Section 3-4-1, relating to definitions relative to distilled spirits, as follows:

~~"3-4-1.~~

~~As used in this chapter, the term:~~

~~(1) 'Denatured alcohol' or 'denatured distilled spirits' means alcohol, as defined in Code Section 3-1-2, to which denaturants have been added in order to render the alcohol unfit for beverage purposes or internal human medicinal use. As used in this paragraph, the term 'denaturants' means materials authorized for use pursuant to Chapter 1 of Title 27 of the Code of Federal Regulations, as the same may now or hereafter be amended.~~

~~(2) 'Distiller' means a manufacturer.~~

~~(3) 'Fruit grower' means any person who grows peaches, apples, pears, grapes, or other perishable fruits in this state and who manufactures distilled spirits from the perishable fruits grown in this state Reserved."~~

SECTION 19.

Said title is further amended by revising Code Section 3-4-2, relating to inapplicability of chapter to ethyl alcohol used for certain purposes, as follows:

~~"3-4-2.~~

~~(a) This chapter shall not apply to ethyl alcohol intended for use or used for the following purposes:~~

~~(1) For scientific, chemical, mechanical, industrial, medicinal, and culinary purposes;~~

~~(2) For use by those authorized to procure ethyl alcohol tax free, as provided by federal law;~~

~~(3) In the manufacture of denatured alcohol or denatured distilled spirits produced and used as provided by federal law;~~

(4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical, and industrial preparations or products unfit for beverage purposes; or

(5) In the manufacture of flavoring extracts and syrups unfit for beverage purposes.

(b) Nothing contained in subsection (a) of this Code section shall prohibit the commissioner from promulgating reasonable rules and regulations with regard to ethyl alcohol intended for use or used for any of the ~~above-mentioned~~ purposes in subsection (a) of this Code section in order to ensure proper enforcement of this title."

SECTION 20.

Said title is further amended by repealing Code Section 3-4-3, relating to retail dealer's signs and signs advertising the Georgia lottery, in its entirety as follows:

~~"3-4-3.~~

~~(a) Except as otherwise provided in subsection (b) of this Code section, a licensed retail dealer in distilled spirits may display at the licensee's place of business unilluminated signs, using letters not larger than eight inches in height, flat against the outside of the building, below the roof line, bearing the words 'liquor,' 'beer,' 'wine,' 'champagne,' or any combination thereof, and 'package store' or 'liquor store,' together with the trade name of the retail dealer. In addition to such signs flat against the outside of the building, the retail dealer may display at a location on the tract of property upon which the business is located, but not affixed to the building, one unilluminated sign using letters not larger than eight inches in height bearing the words 'package store' or 'liquor store' and the trade name of the retail dealer. Subject to any more restrictive size limitations contained in the ordinances of the political subdivision in which the place of business is located, a sign not affixed to the building may be no larger than 16 square feet in area.~~

~~(b) Notwithstanding the provisions of subsection (a) of this Code section, the commissioner shall be authorized by rules and regulations to permit licensed retail dealers in distilled spirits to display signs inside and outside their retail establishments which advertise or promote any lottery authorized under Chapter 27 of Title 50, the 'Georgia Lottery for Education Act,' provided that such signs are in compliance with said Chapter 27 of Title 50 and the rules and regulations of the board of directors of the Georgia Lottery Corporation."~~

SECTION 21.

Said title is further amended by revising Code Section 3-4-20, relating to state license tax applicable to distilled spirits, as follows:

~~"3-4-20.~~

~~(a) An annual occupational license tax is imposed upon each distiller, manufacturer, broker, importer, wholesaler, fruit grower, and retail dealer of distilled spirits in this state, as follows:~~

~~(1) Upon each distiller and manufacturer \$ 1,000.00~~

(2) Upon each wholesale dealer	1,000.00
(3) Upon each importer	1,000.00
(4) Upon each fruit grower	500.00
(5) Upon each broker	100.00
(6) Upon each retail dealer	100.00
(7) Upon each special event use permit applicant	100.00
(b) An annual occupational license tax shall be paid for each place of business operated. An application for the applicable license required pursuant to this title along with the payment of the tax required by subsection (a) of this Code section shall be submitted to the department immediately upon assuming control of the place of business and annually thereafter for so long as the business is operated <u>Reserved.</u> "	

SECTION 22.

Said title is further amended by revising Code Section 3-4-21, relating to person not to be issued more than two retail dealer licenses, as follows:

"3-4-21.

- (a) No person shall be issued more than two ~~retail dealer~~ retail package liquor dealer licenses, nor shall any person be permitted to have a beneficial interest in more than two ~~retail dealer~~ retail package liquor dealer licenses issued under this chapter, regardless of the degree of such interest.
- (b) For purposes of this Code section:
 - (1) The term 'person' shall include all members of a ~~retail dealer~~ retail package liquor dealer licensee's family; and the term 'family' shall include any ~~person~~ individual related to the holder of the license within the first degree of consanguinity and affinity as computed according to the canon law.
 - (2) The beneficiaries of a trust shall be considered to have a beneficial interest in any business forming a part of the trust estate.
- (c) Nothing contained in this Code section shall prohibit the reissuance of a valid ~~retail dealer~~ retail package liquor dealer license if ~~the~~ such license has been:
 - (1) Held prior to the creation of any of the ~~above~~ relationships in subsection (b) of this Code section by marriage; or
 - (2) Held prior to April 3, 1978."

SECTION 23.

Said title is further amended by revising Code Section 3-4-21.1, relating to retail licenses, as follows:

"3-4-21.1.

- (a) A separate ~~retail~~ license for retail on premise liquor dealers and retail package liquor dealers shall be required for each place of business.

(b) In cases where a retail ~~licensee~~ package liquor dealer is moving ~~his package sales~~ the business to a different location, ~~he~~ such licensee shall be authorized to make application to have the license for the location previously occupied apply to the new location. Anything contained in Code Section 3-4-21 to the contrary notwithstanding, if ~~the retail~~ such licensee complies with all other requirements of law, the commissioner shall authorize the existing license to apply to the new location."

SECTION 24.

Said title is further amended by revising Code Section 3-4-22, relating to the filing of bonds by applicants for licenses, as follows:

"3-4-22.

(a) All applicants for all licenses issued pursuant to this chapter shall file with the commissioner, along with each initial application, a bond:

(1) Conditioned to pay all sums which may become due by the applicant to this state as taxes, license fees, or otherwise, arising out of the operation of the business for which licensure is sought; and

(2) Conditioned to pay all penalties which may be imposed upon the applicant for failure to comply with the laws and rules and regulations pertaining to distilled spirits.

The surety for the bonds shall be a surety company licensed to do business in this state, and the bonds shall be in such form as may be required by the commissioner and may be for a term of up to five calendar years.

(b) The bonds shall be in the following calendar year amounts:

(1) For distillers ~~and manufacturers~~, \$10,000.00;

(2) For ~~wholesale dealers~~ wholesalers and importers, \$5,000.00; and

(3) For ~~retail dealers~~ retail on premise liquor dealers, retail package liquor dealers, and brokers, \$2,500.00.

(c) All applicants for annual renewal of licenses issued pursuant to this chapter, other than ~~retail~~ licenses for retail on premise liquor dealers and retail package liquor dealers, shall file an annual bond or have a multiyear bond on file with the department that extends at least through the end of the calendar year for which renewal is sought. Such bonds shall meet the same conditions as those filed with the initial application."

SECTION 25.

Said title is further amended by revising Code Section 3-4-23, relating to certificate of residence of applicant for license required and purpose of section, as follows:

"3-4-23.

(a) No ~~retail dealer's~~ retail package liquor dealer license shall be issued to any person unless an application is filed with the commissioner, accompanied by a certificate by the judge of the probate court of the county of the applicant's residence certifying that the applicant has been a bona fide resident of the county or municipality for at least 12 months immediately preceding the application and is a resident of the county or municipality where distilled spirits may be legally sold under this chapter.

(b) It is the purpose and intention of this Code section to prevent the sale of distilled spirits in any county or municipality other than those where distilled spirits may be legally sold under this chapter."

SECTION 26.

Said title is further amended by revising Code Section 3-4-24, relating to issuance to fruit growers of license to manufacture distilled spirits, storage and disposition, limitations upon manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or municipalities, educational and promotional tours, and tasting room limitations for certain licensees, as follows:

"3-4-24.

(a) The commissioner may issue a license to a fruit grower authorizing ~~the~~ such fruit grower to manufacture distilled spirits from perishable fruits grown in this state.

(b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section in any county, municipality, or county area exclusive of certain incorporated areas, as the case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in a warehouse or warehouses designated by the commissioner to be sold or disposed of under the supervision of the commissioner in states, counties, or municipalities permitting the legal sale of distilled spirits or alcohol.

(c) It shall be unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

(1) In any municipality, county, or unincorporated area of a county in which the sale of distilled spirits or alcohol is prohibited by this chapter; or

(2) To any person not holding an importer's, broker's, or wholesaler's license issued pursuant to this chapter or by another state.

(d) A ~~manufacturer's or~~ distiller's license may be issued pursuant to this Code section to a fruit grower for the manufacture of distilled spirits in any county or municipality of this state that has approved either the package sale of distilled spirits or the sale of distilled spirits by the drink, or both, as provided in this chapter.

(e) A ~~manufacturer or~~ distiller issued a license pursuant to this Code section may provide educational and promotional tours.

(f) The commissioner may issue a license pursuant to this Code section to a fruit grower licensed as a farm winery authorizing such fruit grower to manufacture distilled spirits and fortified wines for sale exclusively through a licensed and designated wholesaler; provided, however, that the farm winery has no more than one tasting room located on its licensed premises. For purposes of this subsection, the term 'licensed premises' shall mean the premises for which the farm winery license is issued or property located contiguous to ~~the farm winery~~ such premises and owned by the farm winery."

SECTION 27.

Said title is further amended by revising Code Section 3-4-24.1, relating to license to manufacture distilled spirits from agricultural products other than perishable fruits grown in Georgia, as follows:

"3-4-24.1.

(a) The commissioner may issue a distiller's license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state.

(b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section in any county, municipality, or county area exclusive of certain incorporated areas, as the case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in a warehouse or warehouses designated by the commissioner to be sold or disposed of under the supervision of the commissioner in states, counties, or municipalities permitting the legal sale of distilled spirits or alcohol.

(c) It is unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

(1) In any municipality, county, or unincorporated area of a county in which the sale of distilled spirits or alcohol is prohibited by this chapter; or

(2) To any person not holding an importer's, broker's, or wholesaler's license issued pursuant to this chapter or by another state.

(d) A ~~manufacturer's~~ or distiller's license may be issued pursuant to this Code section for the manufacture of distilled spirits from agricultural products other than perishable fruits in any county or municipality of this state that has approved either the package sale of distilled spirits or the sale of distilled spirits by the drink, or both, as provided in this chapter.

(e) A ~~manufacturer~~ or distiller issued a license pursuant to this Code section may provide educational and promotional tours."

SECTION 28.

Said title is further amended by revising Code Section 3-4-25, relating to retail dealers to sell only unbroken packages, as follows:

"3-4-25.

(a) A ~~retail dealer's~~ retail package liquor dealer license shall authorize the holder to sell distilled spirits only in the original and unbroken package or packages, which ~~package or packages~~ shall contain not less than 50 milliliters each.

(b) ~~The~~ A retail package liquor dealer license shall not permit the breaking of the package or packages on the premises where sold and shall not permit the drinking of the contents of the package or packages on the premises where sold."

SECTION 29.

Said title is further amended by revising Code Section 3-4-26, relating to advertisement of prices and sale at price less than cost, as follows:

"3-4-26.

~~(a) No person holding a retail dealer's license to deal in distilled spirits by the package shall display any advertisement of or information regarding the price or prices of any distilled spirits in any show window or other place visible from outside the licensee's place of business.~~

~~(b)(a)~~ No person licensed to sell distilled spirits by the package for carry out purposes holding a retail package liquor dealer license shall sell ~~such beverages~~ distilled spirits at a price less than the cost which such ~~licensee~~ person pays for such distilled spirits. As used in this subsection, cost shall include the wholesale price plus the local excise tax imposed, as reflected in invoices which the commissioner ~~of revenue~~ may require to be maintained on ~~said licensee's~~ such person's place of business.

~~(e)(b)~~ The commissioner ~~of revenue~~ shall be authorized to adopt such rules and regulations as he or she deems necessary to provide for exception to the prohibition provided in subsection ~~(b)~~ (a) of this Code section for reasons relating to liquidation of inventory, ~~close out~~ closeout of brands, outdated products, or any other reason the commissioner may determine to merit an exception."

SECTION 30.

Said title is further amended by revising Code Section 3-4-27, relating to notice of intention to secure retail dealer license, as follows:

"3-4-27.

(a) No application for a ~~retail dealer~~ retail package liquor dealer license for the sale of distilled spirits shall be acted upon until after the applicant has published in the newspaper which publishes the legal advertisements of the county wherein such person proposes to engage in business a notice of ~~his~~ intention to secure a retail package liquor dealer license. Such notice shall be published at least once during the 30 days immediately preceding the filing of the application for a license. Such notice shall be in large boldface type and shall state:

- (1) The type of license for which application has been filed;
- (2) The exact location of the place of business for which a license is sought;
- (3) The names and addresses of each owner of the business; and
- (4) If the applicant is a corporation, the names and titles of all corporate officers.

(b) Proof of publication of the notice required by this Code section shall be attached to an application for a ~~retail dealer~~ retail package liquor dealer license.

(c) An applicant for a renewal license shall not be subject to the notice requirements of this Code section."

SECTION 31.

Said title is further amended by revising Code Section 3-4-49, relating to municipalities and counties which may adopt regulations and determine location, as follows:

"3-4-49.

(a) A municipality or county may adopt all reasonable rules and regulations, consistent with this title, as may fall within the police powers of the municipality or county to

regulate any business described in this chapter; provided, however, that on and after July 1, 1997, no municipality or county shall authorize the location of a new retail package liquor dealer licensed place of business or the relocation of an existing retail package liquor dealer licensed place of business engaged in the retail package sales of distilled spirits within 500 yards of any other business licensed to sell package ~~liquor~~ distilled spirits at retail, as measured by the most direct route of travel on the ground; provided, ~~however~~ further, that ~~this~~ such limitation shall not apply to any hotel licensed under this chapter. The restriction provided for in this subsection shall not apply ~~at~~ to any location for which a license has been issued prior to July 1, 1997, nor to the renewal of such license. ~~Nor shall~~ In addition, the restriction of this subsection shall not apply to any location for which a new license is applied ~~for~~ if the sale of distilled spirits was lawful at such location at any time during the 12 months immediately preceding such application.

(b) All municipal and county authorities issuing licenses shall within their respective jurisdictions have authority to determine the location of any distillery, wholesale business, or retail business licensed by them, not inconsistent with this title."

SECTION 32.

Said title is further amended by revising Code Section 3-4-61, relating to the payment of state excise taxes by a licensed wholesale dealer in distilled spirits and the report of quantities of distilled spirits sold for the preceding month, as follows:

"3-4-61.

(a) Except as may otherwise be authorized in this title, the state excise taxes imposed by this part shall be paid by the ~~licensed wholesale dealer in~~ wholesaler of distilled spirits.

(b) The taxes shall be paid on or before the tenth day of the month following the calendar month in which the ~~beverages~~ distilled spirits are sold or disposed of within the particular municipality or county by the ~~wholesale dealer~~ wholesaler.

(c) Each licensee responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month, by size and type of container, the exact quantities of distilled spirits sold during the month within ~~the~~ this state. The licensee shall file the report with the commissioner.

(d) The wholesaler shall remit to the commissioner the tax imposed by the state on the tenth day of the month following the calendar month in which the sales were made.

(e) ~~In order to phase in the reporting system of excise tax payment for distilled spirits and alcohol:~~

~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who made excise tax payments in respect of distilled spirits and alcohol sales in the State of Georgia during the calendar year 1992 shall make a one time deposit equal to the amount of 25 percent of said tax payments. This one time advance shall be repaid in full by the state in equal semiannual installments over the period of 24 months following August 1, 1993; except that, in the event wholesalers made payments as~~

~~provided for in this paragraph, the commissioner shall repay such wholesalers in the form of semiannual credits against future tax liability;~~

~~(2) On February 1, 1993, or as soon thereafter as practicable, the commissioner shall direct that an inventory be taken of stamped merchandise and tax stamps held by manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all manufacturers and shippers for the value of tax stamps in their possession on February 1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The commissioner shall issue tax credits to wholesalers for stamps in inventory on February 1, 1993, which shall be applied as credits against the wholesaler's future tax liability for the 12 month period beginning with the report due on August 10, 1993;~~

~~(3) Nothing in this subsection shall be construed to impose an additional excise tax on distilled spirits and alcohol held in inventory by wholesalers and retailers above the excise tax paid prior to February 1, 1993; and~~

~~(4) The commissioner shall adopt rules and regulations for the implementation of a reporting method of paying distilled spirits and alcohol excise taxes as well as the elimination of the use of any type of distilled spirits and alcohol stamp. The commissioner shall have full authority to allow credits or make refunds as provided for in this subsection."~~

SECTION 33.

Said title is further amended by revising Code Section 3-4-90, relating to authorization by counties or municipalities of issuance of licenses for sale of distilled spirits by the drink generally and procedure, as follows:

"3-4-90.

(a) Each county or municipality may authorize, through proper resolution or ordinance, the issuance of licenses to sell distilled spirits by the drink for consumption only on the premises where sold; except as provided in Code Section 3-9-11 for in-room service by hotels, ~~retail consumption dealers~~ retail on premise liquor dealers shall not buy or sell distilled spirits in packages of 50 milliliters.

(b)(1) Except as otherwise provided in this subsection, a county or municipality shall adopt such resolutions or ordinances only after the authority to do so has been authorized as provided in either Code Section 3-4-91 or 3-4-92.

(2)(A) The governing authority of every county having a population of not less than 50,000 nor more than 53,000 according to the United States decennial census of 1990 or any future such census and the governing authority of every municipality within every such county, through proper resolution or ordinance, may authorize the issuance of licenses to sell alcoholic beverages by the drink for consumption only on the premises where sold. Every such governing authority shall have full power and authority to adopt all reasonable rules and regulations governing the qualifications and criteria for the issuance of any such licenses and shall further have the power and authority to promulgate reasonable rules and regulations governing the conduct of any licensee provided for in this subparagraph, including, but not limited to, the regulation of hours of business, types of employees, and other

matters which may fall within the police powers of such counties and municipalities. Those persons ~~who~~ that are duly licensed as wholesalers under this title shall be authorized to sell distilled spirits at wholesale prices to any person or persons licensed as provided in this subparagraph; and the person or persons licensed under this subparagraph shall be authorized to purchase distilled spirits from a licensed wholesaler at wholesale prices.

(B) No resolution or ordinance adopted pursuant to subparagraph (A) of this paragraph shall become effective until the governing authority of the county or municipality submits to the qualified electors of the county or municipality the question of whether ~~the~~ such resolution or ordinance ~~or resolution~~ shall be approved or rejected. If in the election a majority of the electors voting on the question vote for approval, the resolution or ordinance ~~or resolution~~ shall become effective at such time as is provided for in ~~the~~ such resolution or ordinance; otherwise, it shall be of no force and effect."

SECTION 34.

Said title is further amended by revising Code Section 3-4-111, relating to sale by wholesalers to licensees, purchase by licensees from wholesalers, and declaration of contraband, as follows:

"3-4-111.

(a) Those persons ~~who~~ that are duly licensed as wholesalers of distilled spirits under this title may sell distilled spirits at wholesale prices to any person or persons licensed as provided in this article. Persons licensed under this article may purchase distilled spirits from a licensed wholesaler at wholesale prices.

(b) Any distilled spirits possessed, sold, or offered for sale by a ~~retail dealer or retail consumption dealer~~ retail package liquor dealer or retail on premise liquor dealer which are purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler authorized to do business under this chapter are declared to be contraband and shall be seized and disposed of by the commissioner in the manner provided in this title."

SECTION 35.

Said title is further amended by repealing Code Section 3-4-111.1, relating to the state license tax and the application for retail consumption dealer's license submitted to the Department of Revenue, as follows:

~~"3-4-111.1.~~

~~(a) An annual occupational license tax in the amount of \$100.00 is imposed upon each retail consumption dealer in this state.~~

~~(b) The annual occupational license tax shall be paid for each place of business operated. An application for a retail consumption dealer's license required pursuant to this title along with the payment of the tax required by subsection (a) of this Code section shall be submitted to the department immediately upon assuming control of the place of business and annually thereafter for so long as the business is operated."~~

SECTION 36.

Said title is further amended by revising Code Section 3-4-133, relating to excise tax on sale by the drink and dealers collecting tax of allowed percentage of tax due, as follows:

"3-4-133.

~~Dealers~~ Retail on premise liquor dealers collecting the tax authorized by Code Sections 3-4-130 and 3-4-131 shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under Chapter 8 of Title 48."

SECTION 37.

Said title is further amended by revising Code Section 3-4-180, relating to tastings of distilled spirits, definitions, and general provisions, as follows:

"3-4-180.

(a) As used in this Code section, the term:

(1) 'Free tastings' means the provision of complimentary samples of distilled spirits to the public for consumption on the premises of a distiller.

(2) 'Sample' means one-half of one ounce of distilled spirits.

(b) ~~The commissioner shall, upon proper application therefor, issue an annual permit to any distiller licensed in this state authorizing such distiller to conduct~~ Any distiller that conducts educational and promotional distillery tours which pursuant to subsection (e) of Code Section 3-4-24 or 3-4-24.1 may, as a part of such tours, include free tastings on the premises by members of the public of tax-paid varieties of distilled spirits manufactured by such distiller.

(c) No distiller conducting free tastings under this Code section shall provide, directly or indirectly, more than the one sample to a person in one calendar day. Free tastings shall be held in a designated tasting area on the premises of the distiller, and all open bottles shall be visible at all times."

SECTION 38.

Said title is further amended by revising Code Section 3-5-1, relating to definitions relative to malt beverages, as follows:

"3-5-1.

~~As used in this chapter, the term:~~

(1) ~~'Brewer' means a manufacturer of malt beverages.~~

(2) ~~'Case' means a box or receptacle containing not more than 288 ounces of malt beverages on the average~~ Reserved."

SECTION 39.

Said title is further amended by revising subsections (a) and (e) of Code Section 3-5-4, relating to production of malt beverages in private residences, consumption, transportation and delivery, and home-brew special events, as follows:

"(a)(1) Malt beverages may be produced by ~~a person~~ an individual in his or her private residence subject to the limitations provided in this Code section.

(2) The total quantity of malt beverages that may be produced in any private residence shall be as follows:

(A) Not more than 100 gallons per calendar year if there is only one ~~person~~ individual of legal drinking age living in such residence; or

(B) Not more than 200 gallons per calendar year if there are two or more ~~persons~~ individuals of legal drinking age living in such residence;

provided, however, that no more than 50 gallons shall be produced in a 90 day period.

(3) An individual who produces malt beverages in a private residence in compliance with this Code section shall not be required to be licensed as a brewer pursuant to this title."

"(e)(1) Notwithstanding any other provision of this title to the contrary, in all counties and municipalities in which the sale of malt beverages is lawful, the local governing authority may issue a home-brew special event permit for the holding of home-brew special events, including contests, tastings, and judgments. Any governing authority desiring to allow home-brew special events to be held within its jurisdiction shall provide by resolution or ordinance for the issuance of home-brew special event permits and shall specify the events that shall qualify as home-brew special events. A home-brew special event permit shall not cost more than \$50.00 and shall be valid for not more than six events per calendar year.

(2) Home-brew special events shall not be held at any location licensed under this title.

(3) Consumption of malt beverages at home-brew special events shall be limited solely to malt beverages produced pursuant to this Code section, and such malt beverages shall only be consumed by the participants in and judges of the home-brew special events."

SECTION 40.

Said title is further amended by revising Code Section 3-5-5, relating to the conditions under which kegs of malt beverages may be sold at retail, as follows:

"3-5-5.

(a) As used in this Code section, the term:

(1) ~~'Keg' means any brewery sealed container or barrel containing, by liquid volume, more than two gallons of malt beverage.~~

(2) ~~'Retail dealer,' 'retail licensee,' or 'licensee'~~ 'Licensee' means a licensed alcoholic beverage caterer or a person holding either a retail dealer license, a retail package liquor dealer license, retail wine-malt beverage dealer license, retail on premise liquor dealer license, or a permit issued by the commissioner authorizing the sale of alcoholic beverages for consumption only on the premises for a period not to exceed one day, or a beverage alcohol caterer license.

(b) No person licensed under this chapter shall sell malt beverages at retail by the keg except as provided in subsections (c), (d), and (e) of this Code section. The

commissioner may take punitive action against violators, up to and including revocation of the state ~~retail-dealer's~~ license of any ~~licensed-retail-dealer~~ licensee who fails to comply with this Code section. The undertaking of any punitive action allowed under this Code section shall not prohibit criminal prosecution for sale to underage ~~persons~~ individuals.

(c) Each ~~retail~~ licensee selling kegs containing malt beverages for consumption off licensed premises shall require each keg purchaser to present a ~~Georgia driver's license or other~~ proper identification at the time of purchase. The licensee shall record on an identification form for each keg sale the following information: the date of sale; ~~the~~ size of keg; ~~the~~ keg identification number; ~~the~~ amount of container deposit; ~~the~~ name, address, and date of birth of the purchaser; and ~~the~~ form of proper identification presented by such purchaser. The purchaser shall sign a statement at the time of purchase attesting to the accuracy of the purchaser's name and address, ~~the~~ and location where the contents of the keg will be consumed; and acknowledging that a violation of Code Section 3-3-23, as it relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21 years, may result in civil liability, criminal prosecution, or both. The licensee shall retain the identification form and purchaser's signed statement attesting to the accuracy of the purchaser's name and address and acknowledging that a violation of Code Section 3-3-23, as it relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21 years, may result in civil liability, criminal prosecution, or both, for a minimum of six months following the sale of the keg.

(d) Each keg sold at retail for consumption off licensed premises shall be labeled with the name and address of the ~~retail~~ licensee, ~~the~~ keg identification number, and ~~the~~ state alcohol license number of the business. The ~~Department of Revenue~~ department will prescribe the form of registration label or tag to be used for this purpose. The registration label or tag shall be supplied by the ~~Department of Revenue~~ department without fee and securely affixed to the keg by the licensee making the sale. In addition to the label or tag, the ~~Department of Revenue~~ department shall provide guidelines to the licensee on the information to be recorded on the identification form required under subsection (c) of this Code section.

(e) The licensee shall record the date of return of the keg on the identification form required under subsection (c) of this Code section. If there is no label or tag affixed to the keg or if the identification number is not legible, the licensee shall indicate this fact on the identification form required under subsection (c) of this Code section. The licensee shall not refund a deposit for a keg that is returned without the required label or tag and identification number intact and legible.

(f) The removal of the required label or tag shall be unlawful until such time that it is lawfully returned to the ~~retailer~~ licensee by the purchaser. Possession of a keg without the required label or tag and identification number shall be unlawful and subject to penalty pursuant to Code Section 3-3-9."

SECTION 41.

Said title is further amended by revising Code Section 3-5-20, relating to state license tax applicable to malt beverages, as follows:

"3-5-20.

~~(a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker, importer, wholesaler, and retail dealer of beer in this state, as follows:~~

(1) Upon each brewer.....	\$ 1,000.00
(2) Upon each wholesale dealer.....	500.00
(3) Upon each importer.....	500.00
(4) Upon each broker.....	50.00
(5) Upon each retail dealer.....	50.00
(6) Upon each brewpub operator.....	1,000.00
(7) Upon each special event use permit applicant.....	50.00

~~(b) An annual occupational license tax shall be paid for each place of business operated. An application for the applicable license required pursuant to this title along with the payment of the tax required by subsection (a) of this Code section shall be submitted to the department immediately upon assuming control of the place of business and annually thereafter for so long as the business is operated Reserved."~~

SECTION 42.

Said title is further amended by revising Code Section 3-5-21, relating to bottles and cans to bear the wording "Georgia" or any of its abbreviations, such as "GA," on crowns or lids and alternate identification, as follows:

"3-5-21.

~~(a) The commissioner may prescribe by regulation that no~~ No ~~person engaged in the business of selling, manufacturing, or distributing malt beverages specified in this chapter in bottles or cans may sell, offer for sale, or possess for the purpose of sale any shall be required to mark any bottles, or cans, containing such malt beverages unless the crowns, or lids contain with the word 'Georgia' or its abbreviation, such as 'GA.' 'GA'.~~

~~(b) The commissioner may prescribe an alternate identification for certain bottles or containers of malt beverages manufactured in a foreign country and which have been imported into this state by a licensed importer, manufacturer, or wholesaler for resale."~~

SECTION 43.

Said title is further amended by revising Code Section 3-5-25.1, relating to license for the manufacture of malt beverages and the bond required on application for license or renewal, as follows:

"3-5-25.1.

The commissioner may require, in addition to other bonds required by this title, a bond to be filed with the application for a license or the renewal of a license, conditioned to pay all sums which may become due by the applicant to ~~this~~ the state as taxes, license fees, or otherwise, by reason of or incident to, the operation of the business of the applicant and to comply with all the laws, rules, and regulations pertaining to malt beverages. The bond shall be in such form and in such amount approved by the commissioner, not to exceed \$5,000.00 for brewers and \$500.00 for ~~retailers~~ retail package liquor dealers, retail wine-malt beverage dealers, and retail on premise liquor dealers."

SECTION 44.

Said title is further amended by revising Code Section 3-5-26, relating to persons to whom malt beverages may be sold by wholesale dealers, as follows:

"3-5-26.

~~Licensed wholesale dealers may~~ Wholesalers shall sell malt beverages only to ~~other licensed wholesale dealers and to~~ wholesalers, importers, retail package liquor dealers, retail wine-malt beverage dealers, and retail on premise liquor dealers and ~~retail dealers~~ licensed in this state."

SECTION 45.

Said title is further amended by revising Code Section 3-5-27, relating to malt beverages acquired by retail dealers from persons other than licensed wholesale dealers declared contraband, as follows:

"3-5-27.

Any malt beverage possessed, sold, or offered for sale by a ~~retail dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer which was purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler authorized to do business under this chapter is declared to be contraband and shall be seized by the commissioner or the appropriate local authorities and disposed of by the commissioner in the manner provided in this title."

SECTION 46.

Said title is further amended by revising Code Section 3-5-28, relating to delivery, receipt, and storage of malt beverages sold by wholesale dealers to retail dealers, as follows:

"3-5-28.

All malt beverages sold by a ~~wholesale dealer~~ wholesaler to a ~~retail dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer shall be delivered only to the premises of a licensed ~~retail dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer and transported only by a conveyance owned, or leased, and operated by a ~~wholesale dealer~~ wholesaler ~~who~~ that is designated to deal in the brands of malt beverages sold and is

licensed to make sales and deliveries within the municipality or county in which the sale or delivery is made. The malt beverages so sold shall not be delivered to, received, or stored at any place other than premises for which state and local retail licenses have been issued."

SECTION 47.

Said title is further amended by revising Code Section 3-5-32, relating to distribution of malt beverages and limitations on business interests, as follows:

"3-5-32.

No ~~licensed registered~~ brewer, broker, or importer ~~authorized~~ licensed to do business in this state nor any of ~~his~~ such brewer's, broker's, or importer's employees or members of such brewer's, broker's, or importer's immediate family shall have, own, or enjoy ownership interest in or partnership arrangement with the business of any wholesaler, ~~or retailer licensee~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer. Cooperative advertising and incentive programs shall not be deemed to constitute a partnership agreement."

SECTION 48.

Said title is further amended by revising Code Section 3-5-36, relating to brewpubs and the limited exception to the prohibition against ownership and employment interests among persons involved in the manufacture, distribution, and sale of malt beverages, as follows:

"3-5-36.

A limited exception to the provisions of Code Sections 3-5-29 through 3-5-32 providing a three-tier system for the distribution and sale of malt beverages shall exist for owners and operators of brewpubs, subject to the following terms and conditions:

(1) No ~~individual person~~ shall be permitted to own or operate a brewpub without first obtaining a proper license from the commissioner in the manner provided in this title, and each brewpub ~~licenseholder~~ license holder shall comply with all other applicable state and local license requirements;

(2) A brewpub license authorizes the holder of such license to:

(A) Manufacture on the licensed premises not more than 10,000 barrels of ~~beer~~ malt beverages in a calendar year solely for retail sale on the premises;

(B) Operate ~~an eating~~ a dining establishment that shall be the sole retail outlet for such ~~beer and may offer~~ malt beverages;

(C) Offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine, distilled spirits, and malt beverages, wine, and distilled spirits, provided that such alcoholic beverages are purchased from a licensed wholesaler and sold for consumption on the premises only; and provided, further, that the appropriate licenses for such sales are obtained; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and

~~(C)(D)~~ Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such ~~beer~~ malt beverages to licensed ~~wholesale dealers~~ wholesalers ~~for distribution to retailers and retail consumption dealers;~~

(3) ~~Possession of a brewpub license shall not prevent the~~ The holder of such a brewpub license shall obtain a retail on premise liquor dealer license or retail wine-malt beverage dealer license for the same premises in order to sell alcoholic beverages for consumption on the premises;

(4) A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises;

~~(5) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises of a brewpub;~~

~~(6)~~(5) The commissioner shall not issue a brewpub license if the brewpub premises are located in a county or municipality in which the sale of alcoholic beverages is prohibited; and

~~(7)~~(6) A brewpub ~~licensee~~ license holder shall:

(A) Pay all state and local license fees and excise taxes applicable to ~~individuals~~ persons licensed by this state as manufacturers, ~~retailers~~ retail license holders, and, where applicable, wholesalers under this title;

(B) At the request of the commissioner, provide an irrevocable letter of credit or ~~an Irrevocable Standby Financial Guarantee Bond~~ a bond in favor of the State of Georgia in an amount sufficient to guarantee such brewpub licensee's estimated tax liability for the first year of operation; and

(C) Measure ~~beer~~ malt beverages manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such ~~beer~~ malt beverages as required by this title."

SECTION 49.

Said title is further amended by revising Code Section 3-5-38, relating to free tasting of malt beverages at a licensed brewery on the premises during educational and promotional tours, as follows:

"3-5-38.

~~The commissioner shall, upon proper application therefor, issue an annual permit to any brewer licensed in this state authorizing such brewer to~~ Any brewer licensed as a brewer pursuant to this title may conduct educational and promotional brewery tours which may include free ~~tasting~~ tastings on the premises of such brewery by members of the public of ~~tax-paid~~ tax-paid varieties of malt beverages ~~brewed~~ manufactured by such brewer."

SECTION 50.

Said title is further amended by revising Code Section 3-5-43, relating to restriction on license fees charged by municipality or county other than that of where business is located, as follows:

"3-5-43.

Where a ~~wholesale dealer~~ wholesaler is licensed to do business in more than one municipality or county of this state, no municipality or county other than that of the ~~wholesale dealer's~~ wholesaler's principal place of business shall charge a license fee exceeding \$100.00."

SECTION 51.

Said title is further amended by revising Code Section 3-5-81, relating to tax to be paid by wholesale dealer and when, as follows:

"3-5-81.

(a) The excise taxes provided for in this part shall be imposed upon and shall be paid by ~~the licensed wholesale dealer in~~ wholesalers of malt beverages.

(b) The taxes shall be paid on or before the tenth day of the month following the calendar month in which the malt beverages are sold or disposed of within the particular municipality or county by the ~~wholesale dealer~~ wholesaler.

(c) Each ~~licensee~~ wholesaler responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within each municipality or county. The ~~licensee~~ wholesaler shall file the report with each municipality or county wherein the malt beverages are sold by ~~the licensee~~ such wholesaler.

(d) The wholesaler shall remit to the municipality or county on the tenth day of the month following the calendar month in which the sales were made the tax imposed by the municipality or county."

SECTION 52.

Said title is further amended by revising Code Section 3-5-82, relating to no marking to be required, as follows:

"3-5-82.

No decal, stamp, or other marking shall be required on malt beverage containers designating the particular municipality or county in which a sale of malt beverages is made or in which resides a licensed ~~retailer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer to whom the malt beverages are delivered."

SECTION 53.

Said title is further amended by revising Code Section 3-6-1, relating to definitions relative to wine, as follows:

"3-6-1.

As used in this chapter, the term:

- (1) ~~'Dessert wine' means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.~~
- (2) ~~'Domestic winery' means any winery, manufacturer, maker, producer, or bottler of wine located within the state.~~
- (3) ~~'Foreign winery' means any winery, manufacturer, maker, producer, or bottler of wine located outside the state.~~
- (4) ~~'Table wine' means a wine having an alcoholic strength of not more than 14 percent alcohol by volume.~~
- (5) ~~'Winery' means a manufacturer of wine.~~
- (1) 'Affiliate' means any person controlling, controlled by, or under common control with a farm winery.
- (2) 'Permitted vintner' means any vintner, whether located in this state or any other state, that holds a valid federal basic wine manufacturing permit.
- (3) 'Tasting room' means an outlet for:
 - (A) The promotion of a farm winery's wine by providing free samples of such wine to the public; and
 - (B) The sale of such wine at retail for consumption on the premises or in closed packages for consumption off the premises."

SECTION 54.

Said title is further amended by revising Code Section 3-6-3, relating to household production of wine, as follows:

"3-6-3.

- ~~(a) A head of a household may produce 200 gallons of wine in any one calendar year to be consumed within his own household without any requirement to be licensed for such purpose. Wine so produced shall not be subject to any excise tax imposed by this chapter.~~
- ~~(b) For purposes of this Code section, a single individual who is not a dependent of another person for purposes of Georgia income taxation shall be considered a head of a household.~~
- (a) Wine may be produced by an individual in his or her private residence subject to the limitations provided in this Code section.
- (b) The total quantity of wine that may be produced in any private residence shall not exceed 200 gallons per calendar year irrespective of the number of individuals living in such residence.
- (c) An individual who produces wine in a private residence in compliance with this Code section shall not be required to be licensed as a vintner under this title.
- (d) Wine produced in compliance with this Code section shall not be subject to any excise tax imposed pursuant to this chapter."

SECTION 55.

Said title is further amended by revising Code Section 3-6-20, relating to state license tax applicable to wine, as follows:

"3-6-20.

~~(a) An annual occupational license tax is imposed upon each winery, manufacturer, broker, importer, wholesaler, and retail dealer of wine in this state, as follows:~~

- ~~(1) Upon each winery and manufacturer \$ 1,000.00~~
- ~~(2) Upon each wholesale dealer 500.00~~
- ~~(3) Upon each importer 500.00~~
- ~~(4) Upon each broker 50.00~~
- ~~(5) Upon each retail dealer 50.00~~
- ~~(6) Upon each special event use permit applicant 50.00~~

~~(b) An annual occupational license tax shall be paid for each place of business operated. An application for the applicable license required pursuant to this title along with the payment of the tax required by subsection (a) of this Code section shall be submitted to the department immediately upon assuming control of the place of business and annually thereafter for so long as the business is operated Reserved.~~"

SECTION 56.

Said title is further amended by revising Code Section 3-6-21.1, relating to the license for manufacture and sale by farm wineries, as follows:

"3-6-21.1.

~~(a) As used in this Code section, the term:~~

~~(1) 'Farm winery' means a winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located and:~~

~~(A) Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or~~

~~(B) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.~~

~~For purposes of this paragraph, the commissioner shall determine what is a substantial portion of such winery premises or agricultural produce.~~

~~(2) 'Georgia farm winery' means a farm winery which is licensed by the commissioner to manufacture wine in Georgia.~~

~~(3) 'Tasting room' means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.~~

~~(b)~~(a) The commissioner may authorize any Georgia farm winery to offer wine samples and to make retail sales of its wine and the wine of any other Georgia farm winery in tasting rooms at the winery and at five additional locations in this state for consumption on the premises and in closed packages for consumption off the premises; provided, however, that notwithstanding any other provisions of this title to the contrary, if the licensee is also issued a license pursuant to Code Section 3-4-24, the commissioner shall not authorize more than one tasting room for such Georgia farm winery and shall require that such tasting room shall be located on the licensed premises of the Georgia farm winery; and provided, further, that the Georgia farm winery shall not sell its wine or the wine of any other farm winery in more than one tasting room, and such tasting room shall be located on the licensed premises of the Georgia farm winery. For purposes of this subsection, the term 'licensed premises' shall mean the premises for which the farm winery license is issued or property located contiguous to the farm winery and owned by the farm winery.

~~(e)~~(b)(1) The commissioner may authorize any licensee which is a farm winery to sell up to 24,000 gallons per calendar year of its wine at wholesale within ~~the~~ this state; provided, however, that the commissioner shall not authorize any licensed farm winery to sell its wine at wholesale unless such licensed farm winery shall have first offered its products for sale at a fair market wholesale price to a licensed Georgia wholesaler and such wholesaler does not accept the farm winery's product within 30 days of such offer.

(2) A farm winery licensee shall also be authorized to sell, deliver, or ship its wine in bulk or in bottles, whether labeled or unlabeled, in accordance with the rules and regulations of the commissioner, to Georgia farm winery licensees and shall be authorized to acquire and receive deliveries and shipments of such wine made by Georgia farm winery licensees.

(3) A Georgia farm winery licensee shall be authorized, in accordance with the rules and regulations of the commissioner, to acquire and receive deliveries and shipments of wine in bulk from out-of-state producers and shippers in an amount not to exceed 20 percent of its annual production, provided that the Georgia farm winery licensee receiving any such shipment ~~or shipments~~ files timely reports with the commissioner and keeps such records of the receipt of such shipment ~~or shipments~~ as may be required by the commissioner.

(4) Any wine received in bulk pursuant to paragraph (3) of this subsection shall have levied thereon the requisite taxes as prescribed by Code Section 3-6-50, and such taxes shall be reported and remitted to the commissioner as provided in Code Section 3-2-6.

~~(d) The annual license tax for each license issued pursuant to this Code section shall be \$50.00.~~

~~(e)~~(c) The surety bond required as a condition upon issuance of a license pursuant to this Code section shall be the same as that required pursuant to Code Section 3-6-21 with respect to ~~wineries~~ vintners.

~~(f)(d)~~ Wines sold at retail by a manufacturer as provided in subsection ~~(b)~~ (a) of this Code section shall have levied thereon an excise tax as prescribed by Code Section 3-6-50, and such tax shall be reported and remitted to the commissioner as provided in Code Section 3-2-6."

SECTION 57.

Said title is further amended by revising Code Section 3-6-21.3, relating to sales by farm winery of wines and other alcoholic beverages for consumption on the premises or on contiguous property, as follows:

"3-6-21.3.

~~(a) As used in this Code section, the term:~~

~~(1) 'Affiliate' means any person controlling, controlled by, or under common control with a farm winery.~~

~~(2) 'Farm winery' means a farm winery as defined in Code Section 3-6-21.1 that is located in Georgia.~~

~~(3) 'Tasting room' has the meaning provided by Code Section 3-6-21.1.~~

~~(b)(1)~~(a) Notwithstanding any other provision of this title to the contrary, in all counties or municipalities in which the sale of wine is lawful, the commissioner may authorize any vintner licensed as a farm winery licensee to sell its wine and the wine of any other vintner licensed as a farm winery licensee for consumption on the premises at facilities located on the premises of the farm winery or on property located contiguous to the farm winery and owned by the farm winery or by an affiliate of the farm winery.

~~(2)(b)~~ Notwithstanding any other provisions of this title to the contrary, in all counties or municipalities in which the sale of distilled spirits, malt beverages, and wines is lawful, the commissioner ~~further~~ may authorize ~~such licensee~~ a farm winery to make sales of distilled spirits, malt beverages, and wines not produced by a such farm winery for consumption in its tasting rooms and at facilities located on the premises of the farm winery or on property located contiguous to the farm winery and owned by the farm winery or by an affiliate of the farm winery, provided that any alcoholic beverages sold pursuant to this ~~paragraph~~ subsection shall be purchased by the farm winery from a licensed wholesaler at wholesale prices."

SECTION 58.

Said title is further amended by revising Code Section 3-6-21.5, relating to production of fortified wine, as follows:

"3-6-21.5.

A ~~winery~~ vintner may purchase distilled spirits directly from a manufacturer of distilled spirits and blend with wine manufactured by ~~the winery~~ such vintner to produce fortified wine. Such distilled spirits shall not be used by ~~the winery~~ such vintner for any other purpose or used to create any other type of alcoholic beverage or product."

SECTION 59.

Said title is further amended by revising Code Section 3-6-23, relating to restriction upon licensed wholesale dealers as to whom they may sell and deliver wine, as follows:

"3-6-23.

Except as provided in paragraph (5) of subsection (a) of Code Section 3-2-13, ~~licensed wholesale dealers~~ wholesalers shall sell wine only to ~~other licensed wholesale dealers and to wholesalers, importers, and retail dealers~~ retail wine-malt beverage dealers, retail on premise liquor dealers, and retail package liquor dealers licensed in this state."

SECTION 60.

Said title is further amended by revising Code Section 3-6-24, relating to regulation of sales transactions involving wine, as follows:

"3-6-24.

Each ~~wholesale dealer~~ wholesaler, at the time of any sale of wine, shall prepare and keep a copy of a sales invoice containing:

- (1) The name of the ~~wholesale dealer~~ wholesaler;
- (2) The name, address, and license number of the licensed importer, wholesaler, ~~or retailer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer making the purchase;
- (3) The quantity and container sizes of wine sold;
- (4) The date of the sale; and
- (5) Any other information the commissioner may require."

SECTION 61.

Said title is further amended by revising Code Section 3-6-25, relating to wine acquired from anyone other than wholesale dealer authorized to do business declared contraband, as follows:

"3-6-25.

Except as provided in Code Sections 3-6-21.1 through 3-6-21.3 and Code Section 3-6-21.5, wine possessed, sold, or offered for sale by a ~~retail dealer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer which was purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler authorized to do business under this chapter is declared to be contraband and shall be seized and disposed of by the commissioner in the manner provided in this title."

SECTION 62.

Said title is further amended by revising Code Section 3-6-25.1, relating to advertisement of prices of wine and selling of wine at a price less than its cost, as follows:

"3-6-25.1.

~~(a) No person holding a retail dealer's license to deal in wine by the package shall display any advertisement of or information regarding the price or prices of any wine in any show window or other place visible from outside the licensee's place of business.~~

~~(b)(a)~~ No person licensed to sell wine by the package for ~~carry-out purposes~~ consumption off premises shall sell such ~~beverages~~ wine at a price less than the cost which such ~~licensee~~ person pays for such wine. As used in this subsection, ~~cost shall include the term 'cost'~~ means the wholesale price plus the local excise tax imposed, as reflected in invoices which the commissioner ~~of revenue~~ may require to be maintained on ~~said licensee's~~ such person's place of business.

~~(e)(b)~~ The commissioner ~~of revenue~~ shall be authorized to adopt such rules and regulations as he or she deems necessary to provide for an exception to the prohibition provided in subsection ~~(b)~~ (a) of this Code section for reasons relating to liquidation of inventory, ~~close-out~~ closeout of brands, outdated products, or any other reason the commissioner may determine to merit an exception."

SECTION 63.

Said title is further amended by revising Code Section 3-6-26, relating to regulation of delivery, receipt, and storage of wines after sale, as follows:

"3-6-26.

All wines sold by a ~~wholesale dealer~~ wholesaler to a retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer shall be delivered only to the premises of a licensed retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer and transported only by a conveyance owned, or leased, and operated by a ~~wholesale dealer~~ wholesaler, or owned, or leased, and operated by a ~~wholesale dealer's~~ wholesaler's employee, who is designated to deal in the brands of wines sold and is licensed to make sales and deliveries within the municipality or county in which the sale or delivery is made. The wine so sold shall not be delivered to, received, or stored at any place other than premises for which state and local retail licenses have been issued."

SECTION 64.

Said title is further amended by revising Code Section 3-6-27, relating to registration of agents, representatives, salesmen, and employees of manufacturers, importers, producers, or brokers, as follows:

"3-6-27.

Every agent, representative, ~~salesman~~ salesperson, and employee of each ~~winery~~ vintner, ~~manufacturer~~, importer, ~~producer~~, or broker shipping, or causing to be shipped, wines into ~~the~~ this state shall register with the commissioner on forms prepared by the commissioner before engaging in the selling, promoting, displaying, or advertising of wine."

SECTION 65.

Said title is further amended by revising Code Section 3-6-31, relating to direct shipments to state residents and special order shipping licenses, as follows:

"3-6-31.

~~(a)~~ For purposes of this Code section, the term 'winery' means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit.

~~(b)~~(a) Notwithstanding any other provision of this title to the contrary, any shipper which is also a winery permitted vintner may be authorized to make direct shipments of wine to consumers in this state, without complying with the provisions of Code Section 3-6-22, upon obtaining a special order shipping license from the commissioner pursuant to this Code section.

~~(c)~~(b) A special order shipping license shall only be issued to a winery permitted vintner upon compliance with all applicable provisions of this title and the rules and regulations promulgated pursuant to this title, and upon payment of the occupational license fee designated for retail dealers tax in Code Section ~~3-6-20~~ 3-2-5.1.

~~(d)~~(c) A special order shipping license shall entitle the winery permitted vintner to ship wine upon order directly to consumers for personal or household use in this state without designating wholesalers as required by Code Section 3-6-22, provided that:

(1) The holder of a special order shipping license shall only ship brands of wine for which the holder has submitted labels to the commissioner;

(2) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year;

(3) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the ~~person~~ individual placing the order state affirmatively that he or she is of the age required by Code Section 3-3-23 and shall verify the age of such ~~person~~ individual placing the order either by the physical examination of an approved government issued form of identification or by utilizing an Internet based age and identification service;

(4) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this title; and

(5) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

~~(e)~~(d) The failure to comply strictly with the requirements of this Code section, Code Section 3-3-23, and all applicable provisions of this title and regulations promulgated pursuant to this title shall be grounds for the revocation of a special order shipping license or other disciplinary action by the commissioner. Upon revocation of a special order shipping license for shipment of wine to a ~~person~~ an individual not of age as required by Code Section 3-3-23, such winery permitted vintner shall not be issued any special order shipping license pursuant to this Code section for a period of five years from the date of revocation.

~~(f)~~(e) The holder of a special order shipping license shall collect all excise taxes imposed by Code Section 3-6-50, shall remit such taxes in the same manner as licensed

~~wine~~ wholesalers, and shall accompany such remittance with such reports, documentation, and other information as may be required by the commissioner. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

- (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale shipped to a consumer in Georgia this state;
 - (2) Accompany each remittance with such sales tax reports, documentation, and other information as may be required by the commissioner; and
 - (3) Consent to enforcement of the provisions of this Code section by the department and to the jurisdiction of the courts of Georgia this state for the collection of such taxes or other moneys owing, including interest and penalties.
- ~~(g)~~(f) The commissioner may promulgate such rules and regulations as are necessary and appropriate for the enforcement of this Code section."

SECTION 66.

Said title is further amended by revising Code Section 3-6-32, relating to shipment of wine by winery to consumers and circumstances, as follows:

"3-6-32.

(a) Notwithstanding any other provision of this title to the contrary, a ~~winery located within this state or outside this state that holds a federal basic wine manufacturing permit~~ permitted vintner, whether licensed under this title or not and without regard to brand or label registrations or designations of wholesalers pursuant to Code Section 3-6-22, shall be permitted to ship wine directly to consumers in this state for personal or household use under the following circumstances:

- (1) The consumer must purchase the wine while physically present on the premises of the ~~winery~~ permitted vintner;
 - (2) The ~~winery~~ permitted vintner must verify that the consumer purchasing the wine is of the age required by Code Section 3-3-23 and is not licensed pursuant to this title; and
 - (3) No ~~winery~~ permitted vintner shall ship in excess of five cases of any brand or combination of brands to any one consumer or any one address in this state in any calendar year.
- (b) The commissioner may promulgate such rules and regulations as are necessary and appropriate for the enforcement of this Code section."

SECTION 67.

Said title is further amended by revising subsection (a) of Code Section 3-6-40, relating to dealing in wine at wholesale and retail prohibited without a county or municipal wine license; counties and municipalities granted powers to issue, refuse, and revoke local wine licenses; and revocation of local and state wine licenses, as follows:

"(a) Except as otherwise provided in this Code section, the businesses of manufacturing, distributing, and selling wine at wholesale or retail shall not be conducted in any county or ~~incorporated~~ municipality of this state without a license

from the governing authority of the county or municipality. A farm winery, as defined in Code Section ~~3-6-21.1~~ 3-6-1, which is qualified and licensed by the state shall need no county or municipal license to manufacture wine or to distribute such wine at wholesale in accordance with this chapter if the farm winery has given to the municipal or county governing authority 60 days' written notice of its intention to commence operations in the county or municipality and the county or municipal governing authority has not within ~~said~~ such 60 day period adopted a resolution prohibiting the farm winery from commencing operations in the county or municipality without a local license."

SECTION 68.

Said title is further amended by revising Code Section 3-6-60, relating to the excise tax on wine which may be imposed by local governments and to the imposition of county excise taxes where municipalities already levied one, as follows:

"3-6-60.

(a) The governing authority of each county or municipality ~~or county~~ where the sale of wine is permitted by this chapter, at its discretion, may levy an excise tax on the first sale or use of wine by the package, which ~~tax~~ shall not exceed 22¢ per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(b) The rate of taxation, the manner of its imposition, payment, and collection, and all other procedures related to the tax authorized by subsection (a) of this Code section shall be as provided for by each county or municipality electing to exercise the power conferred by subsection (a) of this Code section.

(c) No county excise tax shall be imposed, levied, or collected in any portion of a county in which a municipality within the county is imposing the same tax on wine sold by the package."

SECTION 69.

Said title is further amended by revising Code Section 3-7-21, relating to license fees applicable to clubs, as follows:

"3-7-21.

The license fees for a club shall be the same ~~fees~~ amount as provided in ~~subsection (a) of Code Section 3-4-111.1 for the sale of distilled spirits in licensed public places of business~~ Code Section 3-2-5.1 for a retail on premise liquor dealer; and, in addition, a prelicense investigation fee of \$100.00 shall be required."

SECTION 70.

Said title is further amended by revising subsection (c) of Code Section 3-7-60, relating to sales within municipalities and excise tax, as follows:

"(c) Local excise taxes provided for in this Code section shall be imposed upon and shall be paid by the licensed ~~wholesale dealer in~~ wholesaler of distilled spirits."

SECTION 71.

Said title is further amended by revising Code Section 3-8-2, relating to sale of malt beverages, wine, and distilled spirits at public golf courses operated by counties or municipalities, as follows:

"3-8-2.

The Department of Natural Resources or any county or municipality operating a public golf course and offering food or drink for retail sale as an incident to the operation of the golf course may sell at retail malt beverages, and wine, by the drink as an incident to the operation of the golf course upon obtaining a retail wine-malt beverage dealer license or a retail on premise liquor dealer license and may sell at retail distilled spirits by the drink as an incident to the operation of the golf course upon obtaining a retail consumption license retail on premise liquor dealer license."

SECTION 72.

Said title is further amended by revising subsection (d) of Code Section 3-9-4, relating to special use temporary permits, as follows:

"(d) ~~Bona~~ A bona fide nonprofit civic organizations organization which ~~hold~~ holds a special use temporary permit issued pursuant to this Code section may auction for off-premises consumption wine in sealed containers, which has been donated to the bona fide nonprofit civic organization by a person ~~who~~ that does not currently hold a license that has been issued by the department pursuant to this title, wine which has been donated by a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package liquor dealer, or wine which has been donated or purchased from a Georgia licensed ~~wine~~ wholesaler. The bona fide nonprofit civic organization may ship or otherwise transport to the location specified in the special use temporary permit wine donated by a person ~~who~~ that does not currently hold a license that has been issued by the department pursuant to this title or wine donated by a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package liquor dealer. Georgia excise tax shall be paid to the department on any donated wine. If the bona fide nonprofit civic organization cannot verify, within ten days of the conclusion of the permitted event, that Georgia excise tax for the wine was previously paid to the department, the bona fide nonprofit civic organization shall pay to the department the appropriate excise tax as required by law."

SECTION 73.

Said title is further amended by revising subsection (b) of Code Section 3-9-6, relating to limousine carriers and annual permits, as follows:

"(b) A permit issued in accordance with this Code section shall not authorize the wholesale purchase of alcoholic beverages by a limousine carrier and only authorizes purchase from a ~~retail dealer~~ retail wine-malt beverage dealer or retail package liquor dealer. A permit issued in accordance with this Code section shall be subject to any law regulating the time for selling such beverages."

SECTION 74.

Said title is further amended by revising Code Section 3-9-7, relating to the issuance of a nonprofit distiller license to a nonprofit museum and requirements, as follows:

"3-9-7.

~~(a) As used in this Code section, the term 'nonprofit museum' means a museum whose mission includes educating the public about the local, state, and national history of the United States and that is owned and operated by a bona fide nonprofit civic organization which holds title to improved real property with a structure listed on the National Register of Historic Places.~~

~~(b)~~(a) Notwithstanding any other provision contained in this title or any other law, the commissioner may issue a nonprofit distiller license to a nonprofit museum, regardless of whether or not such nonprofit museum holds an annual license to sell malt beverages, wine, or distilled spirits for consumption on the premises, upon the filing of an application and payment of an annual occupational license tax ~~of \$100.00~~ as provided in Code Section 3-2-5.1. Such nonprofit distiller license shall entitle the nonprofit museum to produce distilled spirits, provided that:

(1) The nonprofit museum shall not produce more than 800 liters of distilled spirits each calendar year;

(2) The nonprofit museum is located in a county or municipality where the production of distilled spirits is authorized, and the local governing authority of such county or municipality has issued a license to the nonprofit museum pursuant to Code Section 3-3-2 for the production of distilled spirits;

(3) The production of distilled spirits, except as otherwise provided in this Code section, shall be used for educational purposes only;

(4) The distilled spirits produced by the nonprofit museum shall be stored and aged only on the premises of the nonprofit museum for which the nonprofit distiller license has been issued and shall not be removed from such premises except through disposal methods consistent with federal and state law and any applicable rules or regulations promulgated thereunder; and

(5) The distilled spirits produced by the nonprofit museum shall only be used on the premises of the nonprofit museum for which the nonprofit distiller license has been issued and only to provide samples pursuant to subsection (c) of this Code section. Such distilled spirits shall not be sold or offered for sale by the nonprofit museum to any person ~~or entity~~.

~~(e)~~(b) The nonprofit distiller license shall authorize the nonprofit museum to provide not more than one-half of one ounce as a complimentary sample of the distilled spirits produced at the nonprofit museum to a guest who has completed an educational tour of the distillery at the nonprofit museum and is of legal drinking age; provided, however, that the nonprofit museum shall not impose a separate charge for the sample and shall not provide, directly or indirectly, more than one sample to a guest in a calendar day. Such sample shall be provided in a designated tasting area on the premises of the nonprofit museum for which the nonprofit distiller license has been issued, and all open bottles shall be visible at all times.

~~(d)~~(c) No bond shall be required to be filed with the commissioner for the initial application or the annual renewal application of a nonprofit distiller license.

~~(e)~~(d) The annual license fee to be charged by a county or municipality for a nonprofit distiller license shall not be more than \$100.00 for each license."

SECTION 75.

Said title is further amended by revising Code Section 3-10-4, relating to limitation upon quantity of distilled spirits which may be possessed, as follows:

"3-10-4.

It is not unlawful for any person to have and possess, for use and not for sale, in any county or municipality within ~~the~~ this state, one standard case of 1.75 liter, liter, or 750 milliliter size containers of distilled spirits, but not more than eight individual containers of distilled spirits of a size of 200 milliliters or four individual containers of distilled spirits of a size of 500 milliliters, which may have been purchased by ~~the~~ such person for use and consumption from a lawful and authorized ~~retailer and properly stamped retail package liquor dealer.~~"

SECTION 76.

Said title is further amended by revising Code Section 3-11-1, relating to definitions applicable to sales off premises for catered functions, as follows:

"3-11-1.

As used in this chapter, the term:

(1) 'Food caterer' means any person who prepares food for consumption off the premises.

(2) 'Licensed alcoholic beverage caterer' means any ~~retail dealer who~~ retail wine-malt beverage dealer or retail package liquor dealer that has been licensed ~~pursuant to Article 2 of Chapter 4, Article 2 of Chapter 5, or Article 2 of Chapter 6 of~~ under this title.

(3) ~~'Person' means any individual, company, corporation, association, partnership, or other legal entity."~~

SECTION 77.

Said title is further amended by revising paragraph (2) of Code Section 3-13-1, relating to definitions applicable to sales of alcoholic beverages by a Regional Economic Assistance Project, as follows:

"(2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the developer, owner, or operator of ~~or~~ any certified project or facility located in a REAP to whom a state ~~retail consumption dealer~~ retail on premise liquor dealer license or a state retail wine-malt beverage dealer license is issued."

SECTION 78.

Said title is further amended by revising Code Section 3-13-4, relating to rules and regulations applicable to sales of alcoholic beverages by a Regional Economic Assistance Project, as follows:

"3-13-4.

The commissioner may promulgate such ~~reasonable~~ rules and regulations as are necessary and appropriate to regulate the issuance of state ~~retail-consumption-dealer~~ retail on premise liquor dealer licenses ~~or state retail wine-malt beverage dealer licenses~~ to developers, owners, or operators of a REAP and the developers, owners, or operators of any certified project or facility located in a REAP and to enforce the provisions of this chapter."

SECTION 79.

Said title is further amended by revising Code Section 3-14-1, relating to commissioner's issuance of special event use permit and length of permit, as follows:

"3-14-1.

The commissioner may issue a special event use permit for the sale of alcoholic beverages for certain events which would otherwise require a ~~retailer or retail-dealers~~ retail wine-malt beverage dealer or retail package liquor dealer license. The commissioner shall specify by rule or regulation the events that shall qualify for a special event use permit; provided, however, that estate sales, the sale of inventory authorized under a bankruptcy proceeding, and activities that are similar in nature shall so qualify. Such permit shall not be valid for more than ten days."

SECTION 80.

Code Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts of intoxicated persons, is amended by revising subsection (c) as follows:

"(c) In determining whether the sale, furnishing, or serving of alcoholic beverages to a person not of legal drinking age is done willfully, knowingly, and unlawfully as provided in subsection (b) of this Code section, evidence that the person selling, furnishing, or serving alcoholic beverages had been furnished with and acted in reliance on proper identification as defined in ~~subsection (d) of Code Section 3-3-23 3-1-2~~ showing that the person to whom the alcoholic beverages were sold, furnished, or served was 21 years of age or older shall constitute rebuttable proof that the alcoholic beverages were not sold, furnished, or served willfully, knowingly, and unlawfully."

SECTION 81.

Code Section 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of watercraft, identification, and operation by minors, is amended by revising paragraph (3) of subsection (g) as follows:

"(3) 'Proper identification' shall have the same meaning as in ~~subsection (d) of Code Section 3-3-23 3-1-2, relating to furnishing of alcoholic beverages.~~"

SECTION 82.

(a) Except as provided in subsection (b) of this section, this Act shall become effective on July 1, 2015.

(b) Sections 21, 30, and 62 of this Act shall become effective on July 1, 2016.

SECTION 83.

All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Cheokas of the 138th was excused from voting on HB 276.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

E Abrams	N Coomer	Y Harbin	Y Meadows	Y Smith, E
Y Alexander	Y Cooper	Y Harden	Y Mitchell	Y Smith, L
Y Allison	Y Corbett	Harrell	Morris	Y Smith, M
Y Anderson	E Dawkins-Haigler	Y Hatchett	Y Mosby	Y Smith, R
Y Atwood	Y Deffenbaugh	Y Hawkins	Y Nimmer	Y Smyre
Y Ballinger	Y Dempsey	Y Henson	N Nix	Y Spencer
Y Barr	Y Dickerson	Y Hightower	Y Oliver	Y Stephens, M
Y Battles	Y Dickey	Y Hitchens	Y O'Neal	Stephens, R
Y Beasley-Teague	Y Dickson	Y Holcomb	E Pak	Y Stephenson
Y Bell	Y Dollar	Y Holmes	Y Parrish	Y Stovall
Y Belton	Y Douglas	Y Houston	Y Parsons	Y Stover
Y Bennett	Y Drenner	Y Howard	Y Peake	Y Strickland
Y Bentley	Y Dudgeon	Y Hugley	Y Petrea	Y Tankersley
Y Benton	Y Dukes	Y Jackson	Y Pezold	Y Tanner
Y Beskin	N Dunahoo	Y Jacobs	Y Powell, A	Y Tarvin
Y Beverly	Y Duncan	Y Jasperse	Y Powell, J	Y Taylor, D
Y Broadrick	Y Ealum	Y Jones, J	Y Prince	Y Taylor, T
Y Brockway	Y Efstration	Y Jones, J.B.	Y Pruett	Y Teasley
Y Brooks	Y Ehrhart	Y Jones, L	Y Quick	Y Thomas, A.M.
Y Bruce	N England	Y Jones, S	Y Raffensperger	Y Thomas, E
Y Bryant	Y Epps	Y Jordan	Y Rakestraw	Y Trammell
Y Buckner	E Evans	Y Kaiser	Ramsey	Y Turner
Y Burns	Y Fleming	Y Kelley	Y Randall	Y Waites
Y Caldwell, J	Floyd	E Kendrick	Y Reeves	Y Watson
Y Caldwell, M	Y Fludd	Y Kidd	Y Rhodes	Y Welch
Y Cantrell	Y Frazier	Y Kirby	Y Rice	Y Weldon
Y Carson	Y Frye	Y Knight	Y Roberts	Y Werkheiser
Y Carter	Y Gardner	N LaRiccia	Y Rogers, C	E Wilkerson
Y Casas	Y Gasaway	Y Lumsden	Y Rogers, T	Y Wilkinson
Y Chandler	Y Geisinger	E Mabra	Y Rutledge	Y Willard
Cheokas	Y Glanton	E Marin	Y Rynders	Y Williams, A
Y Clark, D	Y Golick	Y Martin	Y Scott	Y Williams, C
Y Clark, H	Y Gordon	Y Maxwell	Y Setzler	Y Williams, E
Y Clark, V	Y Gravley	E Mayo	Y Sharper	Y Williamson

Y Coleman
Y Cooke

Y Greene
Y Hamilton

E McCall
Y McClain

Y Shaw
Y Sims

Y Yates
Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 5.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 549. By Representatives Williams of the 168th, Stephens of the 164th, Hitchens of the 161st, Gordon of the 163rd and Bryant of the 162nd:

A RESOLUTION commending the Third Infantry Division of the United States Army at Fort Stewart; recognizing March 9, 2015, as Third Infantry Division Day at the state capitol; and inviting Major General John M. Murray, Command Sergeant Major Christopher G. Gilpin, Brigadier General James R. Blackburn, Jr., Command Sergeant Major Stanley Varner, Colonel Kevin F. Gregory, Command Sergeant Major Myron J. Lewis, Mayor Edna B. Jackson of Savannah, and Mayor Jim Thomas, Jr., of Hinesville to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 487 Do Pass
HR 488 Do Pass
HR 529 Do Pass

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 487. By Representatives Clark of the 98th, Barr of the 103rd, Peake of the 141st, Brockway of the 102nd, Williamson of the 115th and others:

A RESOLUTION honoring the life and memory of Representative Michael Brown and inviting his wife and children to be recognized by the House of Representatives; and for other purposes.

HR 488. By Representatives Chandler of the 105th, Clark of the 101st, Abrams of the 89th, Brooks of the 55th, Sims of the 123rd and others:

A RESOLUTION commending Susan McCauley for honoring the memory of Rosa Parks through the book she authored, *Our Auntie Rosa*, remembering the legacy of Rosa Parks and the courageous role she played in the civil rights movement, and inviting Susan McCauley to be recognized by the House of Representatives; and for other purposes.

HR 529. By Representatives Beskin of the 54th, Ralston of the 7th, Taylor of the 79th, Werkheiser of the 157th, Rynders of the 152nd and others:

A RESOLUTION commending Michael Joseph Egan, Jr., for his many years of dedicated public service to the State of Georgia and the United States and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House and Senate were read and adopted:

HR 550. By Representatives Anderson of the 92nd, Scott of the 76th, Dawkins-Haigler of the 91st, Yates of the 73rd, Smith of the 125th and others:

A RESOLUTION recognizing and commending Georgia women veterans; and for other purposes.

HR 551. By Representatives Buckner of the 137th and Trammell of the 132nd:

A RESOLUTION commending Beth Neely for being selected as the recipient of the Boy Scout Distinguished Citizen Award; and for other purposes.

HR 552. By Representatives Houston of the 170th, Holmes of the 129th, Greene of the 151st, Parrish of the 158th, Sims of the 123rd and others:

A RESOLUTION honoring the life and memory of Linda Womack; and for other purposes.

HR 553. By Representatives McClain of the 100th, Smith of the 41st, Prince of the 127th, Thomas of the 39th and Randall of the 142nd:

A RESOLUTION commending Medicare on its 50th anniversary; and for other purposes.

HR 554. By Representatives Maxwell of the 17th, Battles of the 15th, Coleman of the 97th, Brooks of the 55th, Greene of the 151st and others:

A RESOLUTION recognizing and commending Mell Scarbrough III on the occasion of his retirement; and for other purposes.

HR 555. By Representative Dollar of the 45th:

A RESOLUTION commending Nick Marine for his community involvement and volunteer efforts and congratulating him upon being named 2014 National Green Plumber of the Year; and for other purposes.

HR 556. By Representatives Randall of the 142nd, Williams of the 168th, Bentley of the 139th, Dickey of the 140th and Howard of the 124th:

A RESOLUTION honoring the life and memory of Pastor Curtis Raines, Sr.; and for other purposes.

HR 557. By Representatives Randall of the 142nd, Beverly of the 143rd, Peake of the 141st, Dickey of the 140th and Epps of the 144th:

A RESOLUTION recognizing March 22, 2015, as Women's History Celebration Day at Saint Mark CME Church; and for other purposes.

HR 558. By Representative Jones of the 53rd:

A RESOLUTION commending Na'Taki Osborne Jelks and congratulating her upon being honored as a Distinguished Servant Leader; and for other purposes.

HR 559. By Representatives Hugley of the 136th, Smyre of the 135th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION commending Fort Middle School Service Learning Magnet Academy and its principal, Sonja L. Coaxum; and for other purposes.

HR 560. By Representatives Hugley of the 136th, Smyre of the 135th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION commending the Martin Luther King, Jr., Outdoor Learning Center and Turn Around Columbus; and for other purposes.

HR 561. By Representatives Hugley of the 136th, Smyre of the 135th, Buckner of the 137th, Smith of the 134th and Pezold of the 133rd:

A RESOLUTION congratulating Mbonya Myers and Rothschild Middle School Leadership Academy upon being honored with the 2015 Middle School Program of Excellence Award; and for other purposes.

HR 562. By Representatives Teasley of the 37th and Reeves of the 34th:

A RESOLUTION commending the Marietta High School Culinary Arts Program and Program Director Chef Ginger Pratt; and for other purposes.

HR 563. By Representatives Carter of the 175th, Roberts of the 155th, Watson of the 172nd, LaRiccia of the 169th, Houston of the 170th and others:

A RESOLUTION recognizing and commending Mr. Joe W. Sheffield, P.E., on his outstanding public service; and for other purposes.

SR 405. By Senator Dugan of the 30th:

A RESOLUTION recognizing Lisa McDonald as 2015 Charter School Leader of the Year; and for other purposes.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bill of the House:

HB 292. By Representatives Knight of the 130th and Powell of the 171st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

Representative Casas of the 107th District, Chairman of the Committee on Code Revision, submitted the following report:

Mr. Speaker:

Your Committee on Code Revision has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 541 Do Pass

Respectfully submitted,
/s/ Casas of the 107th
Chairman

Representative Rynders of the 152nd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Governmental Affairs has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 358 Do Pass
HB 386 Do Pass
HB 514 Do Pass
HB 520 Do Pass

HB 385 Do Pass
HB 476 Do Pass
HB 515 Do Pass

Respectfully submitted,
/s/ Rynders of the 152nd
Chairman

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 505 Do Pass, by Substitute

Respectfully submitted,
/s/ Cooper of the 43rd
Chairman

Representative Benton of the 31st District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

Your Committee on Human Relations and Aging has had under consideration the following Bill and Resolution of the House and has instructed me to report the same back to the House with the following recommendations:

HB 512 Do Pass, by Substitute
HR 474 Do Pass

Respectfully submitted,
/s/ Benton of the 31st
Chairman

Representative Smith of the 134th District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

Your Committee on Insurance has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 439 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 134th
Chairman

Representative Dollar of the 45th District, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. Speaker:

Your Committee on Interstate Cooperation has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 540 Do Pass

Respectfully submitted,
/s/ Dollar of the 45th
Chairman

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 72	Do Pass	HB 182	Do Pass, by Substitute
HB 196	Do Pass, by Substitute	HB 280	Do Pass, by Substitute
HB 375	Do Pass		

Respectfully submitted,
/s/ Hightower of the 68th
Secretary

Representative Sims of the 123rd District, Chairman of the Committee on State Properties, submitted the following report:

Mr. Speaker:

Your Committee on State Properties has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 259	Do Pass
HB 341	Do Pass

Respectfully submitted,
/s/ Sims of the 123rd
Chairman

Representative Roberts of the 155th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 21	Do Pass
HB 106	Do Pass, by Substitute
HB 174	Do Pass, by Substitute

Respectfully submitted,
/s/ Roberts of the 155th
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.